



THE  
ACTS  
OF THE  
GENERAL ASSEMBLY  
OF  
PRINCE EDWARD ISLAND.

---

ANNO VICESIMO TERTIO VICTORIÆ REGINÆ.

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CHARLOTTETOWN;  
JOHN INGS, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1860.



## TITLES OF THE ACTS.

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1860.

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ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

G. DUNDAS,  
Lt. Governor.

At the General Assembly of Her Majesty's  
Island of Prince Edward, begun and hold-  
den at Charlottetown the Sixteenth day  
of February, Anno Domino, 1860, in the  
Twenty-third year of the Reign of our  
Sovereign Lady Victoria, by the grace  
God of the United Kingdom of Great  
Britain and Ireland, Queen, Defender of  
the Faith:

CHAS. YOUNG,  
President of L.  
Council.

Being the Second Session of the Twenty-first  
General Assembly convened in the said  
Island.

C A P. I.

An Act for raising a Revenue.

Preamble.

[Passed 25th April, 1860.]

**W**HEREAS it is deemed expedient to  
further continue and amend the herein-  
after recited Act: Be it therefore enacted by

the Lieutenant Governor, Council and Assembly, as follows, that is to say:

Continues for one year certain parts of the Act 19 Vic., cap. 1.

I. The Act made and passed in the nineteenth year of the reign of Her present Majesty Queen Victoria, intituled *An Act for raising a Revenue*, and to consolidate and amend several Acts therein mentioned, save and except such clauses and parts thereof as are hereby repealed, shall be, and the same is hereby continued, with certain amendments hereinafter mentioned, until the first day of May, which will be in the year of Our Lord one thousand eight hundred and sixty-one.

Imposes certain rates and duties as set forth in Table of Duties in this Act.

II. From and after the commencement of this Act, and until the said first day of May one thousand eight hundred and sixty-one, there shall be raised, levied and paid on the several articles hereinafter mentioned, imported or brought into this Island from any place or country whatsoever, the several Impost duties, rates or impositions, inserted, described and set forth in figures in the table of duties hereinafter contained, denominated “Table of Impost Duties,” opposite to and against the said respective articles as therein mentioned, described and enumerated, and according to the value, number and quantity thereof, as therein specified; the first column of duties in the said table denoting the *ad valorem* duty or amount payable on every one Hundred Pounds worth of the article imported, which shall be in like proportion for any less amount than one Hundred Pounds worth; and the second column denoting the specific duty on each article; and the said duties shall be calculated on the actual value or amount of the invoice when reduced into the lawful current money of this Island; which said several duties, rates and impositions shall be in lieu of all duties, rates and impositions imposed by the

Explanation of first column in Table of Duties.

Explanation of second column.

Mode of calculating duties, &c.

Rate at which invoice of goods

hereinbefore recited Act; and the amount of any invoice of dutiable goods imported from the United States into this Island, made out in dollars and cents, shall, for all the purposes of this Act, be reduced into the current money of this Island, by allowing for each dollar the sum of six shillings of the said current money, and in like proportion for any smaller part or fraction of a dollar.

imported from the United States is to be reduced into currency of P. E. Island.

TABLE OF IMPOST DUTIES REFERRED TO IN THE PRECEDING CLAUSE OF THIS ACT.

ARTICLES.	1st Column.	2d Column.
	Per Centage <i>ad valorem</i> duty on every £100 currency value per invoice.	Other Duties.
	£ s. d.	£ s. d.
Blocks and Deadeyes,	5 0 0	
Boots and Shoes of all kinds,	10 0 0	
Buffalo Robes,	10 0 0	
Books, being the reprints of British authors, under the Imperial Act 11th Victoria, cap. 28,	20 0 0	
Canvas, Sail Cloth and Cordage,	2 0 0	
Clothes, ready-made, namely, Coats, Over Coats, Vests, Jackets and Trowsers,	10 0 0	
Coffee, the lb.,		0 0 2
Chocolate or Cocoa Paste, the lb.,		0 0 1½
Cigars,	30 0 0	
Cider, per gal.,		0 0 5
Clocks,	25 0 0	
All wheel machinery and machinery for manufacturing, or to be used in the formation of clocks and watches,	20 0 0	
Carriages,	10 0 0	
Jewellery, of all kinds,	10 0 0	
Leather of all kinds, except Sole Leather,	6 5 0	
Sole Leather, per lb.,		0 0 1
Porter, Ale and Beer, per gal.,		0 0 5
Rigging,	2 0 0	

Table of Duties.

ARTICLES,	1st Column.	2d Column.
	Per Centage <i>ad valorem</i> duty on every £100 currency value per invoice.	Other Duties.
	£ s. d.	£ s. d.
Rum or other distilled Spirituous Li- quors imported into this Island, not exceeding the strength of proof by Sykes' Hydrometer, and so in pro- portion for any greater strength than the strength of proof, & landed at the Ports of Charlottetown, Georgetown, Summerside and Souris,		0 2 9
Molasses, per gallon,		0 0 2
Rum or other distilled Spirituous Li- quors imported into this Island, for every gallon thereof of any strength under and not exceeding the strength of proof of 28 by the bubble,		0 2 9
And for every bubble below 28 in num- ber by the bubble an additional 2d. per gallon,		0 0 2
Sails,	2 0 0	
Spirituous Liquors, on all manufactur- ed or distilled in this Island, except from Molasses, per gallon,		0 1 0
Spirituous Liquors from Molasses, man- ufactured or distilled in this Island, per gallon,		0 1 6
Steam Engines,	2 0 0	
Sugar, refined, per lb.,		0 0 2
Sugar, brown or Muscovado, per cwt.,		0 6 0
Tea, per lb.,		0 0 3
Tobacco, manufactured, per lb.,		0 0 5
Tobacco, on all manufactured in this Island, per lb.,		0 0 2½
Watches,	10 0 0	
Sails, Rigging and Ship's Materials, saved from vessels wrecked on the coast of this Island, not belonging to this Island, (duty payable on account of sales,)	7 10 0	

Table of Duties.

ARTICLES.	1st Column.	2d Column.
	Per Centage <i>ad valorem</i> duty on every £100 cur- rency value per invoice.	Other Duties.
	£ s. d.	£ s. d.
Ships' Stores and cargo, saved from wrecks, or sold in a vessel stranded, to pay the same duty as in cases of importation. Where a vessel not belonging to this Island is stranded and condemned, or sold whilst stranded, a duty shall be paid on the amount of sales of her hull, rigging and materials, whether she be again got off or be there broken up,	7 10 0	
Wines of all kinds imported into this Island, per gallon, in addition to £5 per cent. <i>ad valorem</i> duty.	5 0 0	0 4 0
Spirits, namely, Brandy, imported into this Island at the Ports of Charlottetown, Georgetown, Summerside and Souris, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof,		0 4 6
Spirits, namely Gin, Cordials and Whiskey imported into this Island at the Ports of Charlottetown, Georgetown, Summerside and Souris, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof,		0 4 0
Spirits, namely, Brandy, imported into this Island, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof,		0 4 6
Spirits, namely, Gin, Cordials and Whiskey, imported into this Island, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof,		0 4 0
And for every bubble below 28 in number by the bubble; an additional 2d. per gallon,		0 0 2

Table of Duties.

ARTICLES.	1st Column.	2d Column.
	Per centage <i>ad valorem</i> duty on every £100 currency value per invoice.	Other Duties
	£ s. d.	£ s. d.
Lemon Syrup, Shrub and Santa, per gal.,		0 1 0
Tinctures, per gal.,		0 2 0
Dried Fruit, per lb.,		0 0 1
Articles manufactured of Wood, except Brushes, Planes, Figure-Heads and Musical Instruments and Weaver's Reeds, and such articles, of which Wood forms the principal part, not hereinbefore mentioned,	10 0 0	
On all goods, wares and merchandize, not above enumerated, except as hereafter mentioned and excepted,	7 10 0	

Table of Duties.

Table of ex-  
emptions.

III. All articles in the following table, imported from any country, or colony whatsoever, shall be exempt from Duty, to wit :

**Anchors.**

All articles imported by the Lieutenant Governor for his own use.

Ashes, viz : Pot Ashes and Pearl Ashes,

Printing Paper : Royal and Demy, in use for Newspapers.

Baggage : Apparel, Household effects, Working Tools and Implements used and in use of persons or families arriving in this Island, if used abroad by them, and not intended for any other person or persons, or for sale.

Barrels and Half Barrels, of all kinds.

Books (printed,) of all kinds not prohibited to be imported into the United Kingdom.

Maps and Charts.

Blocks, Rigging and Sails which may have been used to take new vessels from this Island to a market for sale, if such Blocks, Rigging and Sails shall be returned forthwith after the sale of the vessel, direct to this Island by the ex-



porter thereof, and shall have previously paid, and shall have been charged with the Duties by Law imposed thereon, on the first importation thereof into this Island.

Table of exemptions.

Butter,  
 Broom Corn and Bark,  
 Bread of all kinds,  
 Cheese,  
 Chain Cables,  
 Coal,  
 Copper and Zinc, and Yellow Metal Sheething,  
 Copper and Zinc Rods, and bolts and sheething nails.  
 Dye-woods of all kinds, (ground and unground),  
 Engines, (fire),  
 Flax,  
 Fish of all kinds, and products of fish, and all other creatures living in the water,  
 Furs, skins and tails undressed,  
 Fruits, dried and undried, grown in the United States,  
 Grain, flour and breadstuffs of all kinds,  
 Gypsum, ground and unground  
 Grindstones, hewn, wrought or unwrought,  
 Hemp and Tow, unmanufactured,  
 Hides,  
 Horns,  
 Lard,  
 Lime,  
 Manures,  
 Meats, fresh, smoked and salted,  
 Oakum,  
 Oil, (fish),  
 Organs and bells imported expressly for any church or chapel or sacred edifice in this Island, and intended to be placed therein,  
 Ores of metals of all kinds,  
 Ordnance or Commissariat stores, or war munitions of any kind; or military baggage or

Table of ex-  
emptions.

clothing brought into this Island for the use of Her Majesty's Army, Navy or Militia, by any Commissary or other person in Her Majesty's service,  
 Poultry, eggs,  
 Pitch, tar, rosin and raw turpentine,  
 Pelts,  
 Plants, shrubs and trees,  
 Rags,  
 Rice,  
 Seeds and Vegetables,  
 Slate,  
 Stone or marble in its crude or unwrought state,  
 Burr or limestone,  
 Stock (live) of all kinds, for breeding purposes,  
 Salt,  
 Seines,  
 Staves,  
 Tallow,  
 Teazles,  
 Timber and Lumber of all kinds, round, hewn and sawed, unmanufactured, in whole or in part, firewood,  
 Tobacco, unmanufactured,  
 Wool,  
 Military Clothing and Accoutrements for Her Majesty's Volunteer Corps in this Island.

IV. All and every the powers and authorities, provisions, rules, regulations, directions, penalties, forfeitures, clauses, matters, and things in the said Act of the nineteenth Victoria, chapter one, shall severally and respectively be duly observed, practised and applied to, and put in execution in relation to the duties thereby and hereby imposed and granted, as well during the time hereby limited, as after the expiration thereof, for securing, levying, collecting and recovering the said duties, and all arrears thereof, and all penalties and forfeitures that may have here-

The provisions, &c., of 19 Vic., cap. 1, to be observed and put in execution for the purpose of securing and recovering duties hereby imposed, and also penalties and forfeitures incurred or to be incurred, &c.,

tofore been incurred under and by virtue of the said recited Act; and for suing for and recovering all such penalties which shall have been or may be incurred in relation to the said duties, as fully and effectually, to all intents and purposes, as if the same powers and authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things were particularly repeated and re-enacted in the body of this Act with reference to the said duties hereby or thereby granted and imposed.

V. No rum, brandy, gin or alcohol shall be imported or brought into this Island in any cask or package not capable of containing at least sixty gallons; and any person offending against the provisions of this section shall forfeit Ten Pounds for every cask or package, and the liquor shall be forfeited: Provided, that nothing in this section contained shall apply to any such liquors imported into this Island from Europe, the British West Indies, or any British possession in North America.

Rum, &c., imported in casks, &c., containing less than sixty gallons to be forfeited and penalty incurred, unless same come from Europe, British West Indies or American possessions.

VI. On the seizure of any goods, wares and merchandize by any Land Waiter or Preventive Officer, under the provisions of the said hereinbefore recited Act, the duties on such goods, wares and merchandize shall be first paid into the public Treasury within thirty days after the sale thereof; and the balance or the residue of the proceeds arising from such sale, after the payment of the duties as aforesaid, shall be paid to, or equally divided between the Officer or Officers making the seizure, together with three-fourth parts of all fines relating to such seizure; which shall be sued for and recovered in the name or names of such Officer or Officers making the seizure.

Duties on goods seized by Preventive Officer to be paid into Treasury within 30 days after sale.

Balance remaining to be equally divided between officers making seizure, and also three-fourths of the fine, &c.

Fine how sued for, &c.

Goods not liable to forfeiture on account of non-entry by master if duly entered by consignee.

VII. No goods, wares or merchandize shall be liable to forfeiture by reason of the same not having been duly entered by the master of the ship or vessel in which the same shall have been imported: Provided always, that such goods, wares or merchandize shall have been duly entered, according to law, by the importer or consignee thereof, or other person interested in the same.

No vessel liable to seizure for offence of master, unless owner implicated.

VIII. No ship or vessel shall be liable to seizure, detention or forfeiture under the provisions of the said recited Act, by reason of any breach or violation of the said Act having been committed by the master (not being the owner) of such ship or vessel, unless the owner or owners of such ship or vessel shall, either directly or indirectly, be privy or accessory to, or in some way concerned in the breach or violation of such Act as aforesaid.

Masters of vessels to report their cargoes within 24 hours after arrival, and before breaking bulk, and to make oath to same before Collector, &c.

IX. All masters of ships, coasting, fishing, and of all other vessels whatsoever, whether laden or in ballast, coming into any harbor, port, river, creek or any other part of the coasts of this Island, shall, before breaking bulk, or landing passengers or baggage, and within twenty-four hours after their arrival, make report in writing, upon oath, to the Collector of Impost for the Harbor or District wherein such vessel shall have arrived, and all vessels having on board any wines, gin, brandy, rum or other distilled spirituous liquors, tea, tobacco, goods, wares or merchandize of what nature or kind soever: The said master shall also specify in said report the kinds of casks, packages, parcels, boxes, trunks, bales and all other manner of things in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to

be landed, sold, bartered or exchanged, any wine, gin, brandy, rum or other distilled spirituous liquors, tea, tobacco, goods, wares or merchandize, at any port or place within this Island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board any ship or vessel for exportation, which oath the said Collector is empowered to administer in the form following:

You, A. B., do swear that the report which you have made (read or heard read, *as the case may be*,) and subscribed, contains a just and true account of all wines, gin, brandy, rum or other distilled spirituous liquors, tea, tobacco, goods, wares or merchandize, laden on board the \_\_\_\_\_ at the Port of \_\_\_\_\_

Form of master's oath to report.

or any other port or ports, or elsewhere, before or since your sailing from \_\_\_\_\_ and that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any wine, rum, brandy, gin or other distilled spirituous liquors, tea, tobacco, goods, wares or merchandize, at any port or place within this Island, or on the coast thereof, since your sailing from \_\_\_\_\_ or since your sailing from any other place.

So help you God.

X. When any Landwaiter or Preventive Officer shall have made a seizure of any goods prohibited or unlawfully imported, or attempted to be unlawfully imported or landed in this Island, it shall be the duty of such Officer, and he is hereby required to furnish to the nearest Collector of Impost a list or account of the goods so seized, before proceeding to the sale thereof, and which sale shall be made known by posting a notice thereof in the form prescribed in the Schedule marked (A)

Landwaiters, &c., to furnish to nearest Collector a list of articles seized, &c., before proceeding to sale.

Notice of sale to be given.

to this Act annexed, in twelve of the most public places at and in the vicinity of the place where such sale is to take place, at least fifteen days previous to such sale; and the Collector or Collectors of Impost who may receive such list of seizures as aforesaid, are hereby required to furnish the same annually to the Treasurer of this Island, who shall lay the same before the House of Assembly at the next Session thereof.

List of seizures to be furnished to Treasurer, &c.

Bailable Writ or Warrant may be issued by Judge of Supreme Court on application of Attorney General, &c., to hold to bail parties prosecuted under this Act, &c.

XI. For the better and more effectually securing the several duties, fines, forfeitures and penalties arising by virtue of this or any other Act relating to the Revenue, now or hereafter to be in force, the Chief Justice, or, in his absence, any other Judge of the Supreme Court, is hereby authorised and empowered, on application made by the Attorney General, or other officer prosecuting on the part of the Crown for that purpose, to grant a Bailable Writ or Warrant against any person liable for the said duties, penalties, fines and forfeitures; and such person shall be imprisoned or detained in the County Jail until he shall have given bail to answer the judgment and costs in any action to which he shall have rendered himself liable, or then commenced or pending against him for such duties, fines, forfeitures and penalties.

Drawback allowed on exportation of dutiable articles.

XII. There shall be allowed and paid on all wines, gin, brandy, rum or other distilled spirituous liquors, tea, tobacco, and all goods, wares and merchandize that have already been or shall hereafter be imported into this Island, or manufactured therein, on exportation of the same therefrom, a drawback equal in amount to the whole duty paid, or secured to be paid, on such, on the importation thereof.

Revenue officer

XIII. Any Revenue Officer, having first

made oath before a Justice of the Peace that he has reasonable cause to suspect goods, liable to forfeiture, to be in any particular building, may, in company with the Justice, who is hereby required to accompany him, enter such building at any time between sunrise and sunset; but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, the Justice shall order the Officer forcibly to enter; and when in either case entry shall be made, the Officer shall search the building and seize all forfeited goods.

authorized to enter building forcibly, in certain cases.

XIV. Duties on goods imported before the coming into operation of an Act imposing new duties, and whereon the duties have not been paid or secured, shall be collected under the new law; but forfeitures shall be recovered under the law under which they were incurred, notwithstanding such Law may have expired.

Duties not paid or secured, to be paid under new Law.

XV. The owner or owners of any distillery, or other person or persons who shall manufacture any distilled spirituous liquors in this Island, and in case such distillery shall be conducted or carried on by any servant or servants having the care and management of the same, such owner, master or servant, respectively, shall on the first Monday in June, and on every first Monday in each alternate month thereafter in each year during the continuance of this Act, render a just and true account in writing to the nearest Collector of Impost and Excise of the quantity of all spirituous liquors distilled or manufactured by him, or them, for the month then last past; and shall also in such account state whether the spirituous liquors therein referred to have been distilled from molasses or barley, or grain, and how much

Owner of distillery, &c., to render an account every alternate month to nearest Collector of quantity distilled, &c.





make a false return of the substance from which the same has been made, or who shall be convicted of having refused to account or pay or secure the duties at the times prescribed by law, or who shall have delayed his return or payment or security therefor for more than ten days after the expiration of the two months from the day wherein he last accounted, shall, on conviction thereof, over and above the aforesaid penalty, be held not entitled to distil for six months from and after the day of such conviction, under the penalty of Five Pounds for each and every day he, or those employed by him, shall so distil after such conviction.

ing back the same 10 days after it should be made, in addition to penalties under last Section, to be prohibited from further distilling for six months under a further penalty of £5 per diem.

**XVIII.** The Treasurer shall publish a list of the persons licensed to distil spirituous liquors, in the *Royal Gazette* newspaper once in each and every month, instead of quarterly, as prescribed in and by the sixty-fifth section of the hereinbefore recited Act of the nineteenth Victoria, chapter one.

Treasurer to publish licensed Distillers monthly.

**XIX.** From and after the passing of this Act, instead of the credit mentioned in the seventy-eighth section of the said recited Act of the nineteenth Victoria, chapter one, to be given for duties on goods, wares and merchandize to the importer thereof, as therein mentioned, the following terms of credit for duties shall be given, that is to say: if the said duties shall exceed the sum of ten pounds, and not amount to more than thirty pounds, a credit of three months shall be given therefor; and if the said duties shall exceed thirty pounds, a credit of six months shall be given for the payment thereof, and no longer time than six months shall in any case be given; and all bonds or recognizances hereafter to be entered into for securing the payment of duties

Credit allowed for payment of duties by Act 19 Vic., cap 1, shortened.

If amount be above £10, and not exceeding £30, 3 months credit. If above £30, a credit of 6 months only, and no longer time in any case to be given.

Future Bonds to bear interest

from date at £6  
per cent.

on goods, wares and merchandize of any kind whatsoever, shall bear interest on the amount thereof at the rate of six pounds *per centum per annum*; and such interest shall be computed and paid and payable from the day of the date of such bond or recognizance until the payment thereof: Provided always, that nothing in this or any other Act contained shall be held or construed to entitle or give any person or persons any right or claim to a longer term of credit for the amount of any bond or recognizance than the time therein mentioned for the payment thereof.

Proviso.

Warrant of Attorney to secure duties, and also defeasance to be in form in Schedule (B), or as directed by Lieutenant Governor in Council.

XX. The Warrant of Attorney by Law required to be taken by Collectors of Impost, in addition to the recognizance directed to be entered into as security for the payment of Duties of Impost and Excise, shall, as well as the defeasance thereon to be endorsed, be in the form in the schedule to this Act annexed, marked (B,) or in such other form as the Lieutenant Governor, or such other Administrator of the Government of this Island for the time being, in Council, may from time to time direct.

Queen's Counsel in certain cases to sign necessary documents, &c., to perfect judgment on Warrants of Attorney securing duties, &c.

XXI. It shall be competent and lawful for any of Her Majesty's Queen's Counsel in this Island, when called upon so to do, in the absence or in the event of the incapacity from illness of the Attorney General or Solicitor General, or when either of those officers shall be vacant, to sign all necessary declarations, pleas, bail pieces and other papers required to be signed, in order to enter up judgment in Her Majesty's Supreme Court of Judicature on any Warrants of Attorney heretofore taken by Collectors of Impost and Excise, in addition to the recognizances by Law directed to be taken as

security for the payment of Duties of Impost and Excise, notwithstanding that such Warrants of Attorney shall be directed to the Attorney General and Solicitor General only; also to issue execution on the same, and to take all necessary steps to perfect execution, and to acknowledge satisfaction under any such circumstances as aforesaid, when payment has been recovered or received.

Also to issue execution for duties secured, &c.

XXII. All Warrants of Attorney which have heretofore been taken by Collectors of Impost and Excise, in addition to the recognizances by Law directed to be taken as security for the payment of Duties of Impost and Excise, shall, notwithstanding that the same shall not in all cases be found to have been taken strictly in accordance with the directions contained in the Statutes in force respecting the same; or the taking or form of such Warrants of Attorney be held and deemed to be good and valid and to be sufficient to enable and authorise judgment to be entered up thereon in Her Majesty's Supreme Court of Judicature, as of the term of the said Supreme Court in Queen's County, next preceding the date of entering up judgment, or otherwise, as the case may be; and execution to be issued thereon for the recovery of the amount purporting to be secured thereby, and by the recognizance taken at the same time therewith.

Warrants of Attorney already taken for duties to be valid, though not in form as by law required, and sufficient to enable judgment to be entered thereon in Supreme Court, and execution to be issued.

XXIII. The tenth, twenty-fourth, forty-fourth, fifty-third, fifty-fourth, sixty-seventh, sixty-eighth, and eighty-first sections of the said hereinbefore recited Act of the Nineteenth Victoria, chapter one, shall be and the same are hereby repealed.

Sections 10, 24, 44, 53, 54, 67, 68 and 81, of 19 Vic., cap. 1, repealed.

XXIV. Any Collector of Impost and Excise who shall neglect or omit to administer any of

Any Collector neglecting to

administer  
oaths to forfeit  
£5 for each om-  
mission.

the oaths prescribed in and by the twenty-fifth, thirty-seventh, forty-ninth, seventieth and seventy second sections of the hereinbefore recited Act of the Nineteenth Victoria, chapter one, and in and by any of the sections of this Act, shall for each and every such neglect or omission forfeit and pay into the Treasury of this Island the sum of Five Pounds, for the use of Her Majesty's Government, to be recovered in Her Majesty's name before any one of Her Majesty's Justices of the Peace on the oath of a credible witness.

Importation of  
obscene paint-  
ings, &c., pro-  
hibited.

**XXV.** It shall be unlawful for any person or persons to import into this Island any Indecent or Obscene Paintings, Books, Cards, Lithographic or other Engravings, or any other Indecent or Obscene articles, and if imported, the same shall be seized and destroyed by any Collector of Impost and Excise or Preventive Officer.

Commencement  
and duration of  
Act.

**XXVI.** This Act shall go into operation, and be in force, immediately after the passing thereof, and from thence shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and sixty one.

Schedule.

**Schedules to which this Act refers.**

**SCHEDULE (A.)**

*Form of Notice of Sale of Goods.*

NOTICE.

Notice of Sale  
of goods. A Sale of Goods (as mentioned below) seized by me,  
will take place at \_\_\_\_\_ on \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_

A. B., Landwaiter,  
or Preventive Officer.

(Here insert list of Goods.)

SCHEDULE (B.)

To Her Majesty's Attorney General of Prince Edward Island, and Her Majesty's Solicitor General of the said Island, or any of Her Majesty's Queen's Counsel of the said Island, or any Attorney of the Supreme Court of Judicature therein. Schedule (B).

These are to desire and authorise you, or any of you, or any Attorney of the Supreme Court of Judicature of the said Island, to appear for us in the said Court, as of Form of Warrant of Attorney to be taken to secure payment of duties, &c. Term, or any other subsequent Term, and then and there to receive a declaration for us in an action of debt for the sum of

of lawful current money of the said Island, for money borrowed at the suit of our Sovereign Lady the Queen, and thereupon to confess the said action, or else to suffer a judgment by *nil dicit*, or otherwise, to pass against us in the said action, and to be thereupon forthwith entered up against us of record in the said Court, for the said sum of

besides costs of suit; and we do hereby further authorise and empower you, or any one of you, or any Attorney as aforesaid, after the said judgment shall be entered up as aforesaid for us, and in our names, and as our act and deed, to sign, seal and execute a good and sufficient release in the law to our Sovereign Lady the Queen, her heirs and successors, of all and all manner of error and errors, writ and writs of error, and all benefit and advantage thereof, and misprison of error or errors, defects and imperfections whatsoever, had, made, done, committed or suffered in, about, touching or concerning the aforesaid judgment, or in, about, touching or concerning any writ, warrant, process, declaration, plea, entry, or other proceeding whatsoever of or in any way concerning the same. And for what you or any one of you shall do or cause to be done in the premises, or any of them, this shall be to you and each of you, a sufficient warrant.

In witness whereof, we have hereunto set our hands and seals this day of in the year of our Lord one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

DEFEASANCE TO BE ENDORSED ON WARRANT OF ATTORNEY.

This Warrant of Attorney is given and intended to secure unto our Sovereign Lady the Queen, her heirs and successors, the payment of the sum of Defeasance to be entered on Warrant of Attorney. of lawful current money of Prince Edward Island, on the day of next ensuing, and lawful interest thereon from this date, at the rate of six pounds *per centum per annum*; and

no execution is to issue unless default be made in the payment of the said sum of \_\_\_\_\_ and lawful interest thereon in the meantime, as aforesaid, on the said \_\_\_\_\_ day of \_\_\_\_\_ next ensuing.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 18  
Witness,

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C A P. II.

An Act to amend the Act for raising a Revenue.

(Passed May 2, 1860.)

Preamble.

**W**HEREAS in and by the fifteenth section of the Act made and passed in the present session of the Legislature, intituled "An Act for raising a Revenue," an error has occurred by the substitution of the word "month" for the words "two months;" for correction and remedy whereof: Be it enacted by the Lieutenant Governor, Council and Assembly, that the Account of distilled Spirits therein required to be rendered to the nearest Collector of Impost and Excise, shall comprise and shew the quantity distilled for the two months then last past, in lieu of "the month" then last past, as at present expressed in said clause, anything in the said fifteenth section, or in any other part of the said Act, to the contrary, notwithstanding.

Corrects error in 15th sec. of 23d Vic. cap. 1.

## CAP. III.

An Act for the amendment of an Act passed in the sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof.'"

[Passed May 2, 1860.]

**W**HEREAS the Laws with respect to the execution of Wills require amendment: Preamble.  
Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. Whereas, by an Act passed in the sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act to repeal an Act made and passed in the twenty-first year of the reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof,'" it is enacted, that no Will shall be valid unless it shall be signed at the foot or end thereof by the Testator, or by some other person in his presence, and by his direction. Recites 6 Vic.,  
cap. 26, part of  
Sec. 7.  
Every Will shall, so far only as regards the

In what respects validity of Will is affected by position of signature.

position of the signature of the Testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactment, as explained by this Act; if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the Will, that it shall be apparent on the face of the Will that the Testator intended to give effect by such his signature to the writing signed as his Will, and that no such Will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the Will, or by the circumstance that a blank space shall intervene between the concluding word of the Will and the signature, or by the circumstance that the signature shall be placed among the words of the *Testimonium* clause, or of the clause of Attestation, or shall follow, or be after, or under the clause of Attestation, either with or without a blank space intervening, or shall follow, or be after, or under, or beside the names of one of the names of the subscribing Witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the Will, whereon no clause or paragraph, or disposing part of the Will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the Will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment, but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.



II. The provisions of this Act shall extend and be applied to every Will already made, where Administration or Probate has not already been granted or ordered by a Court of competent Jurisdiction, in consequence of the defective execution of such Will, or where the property not being within the jurisdiction of the Ecclesiastical Courts has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such Will, or the right thereto shall not have been decided to be in some other person or persons than the person claiming under the Will by a Court of competent Jurisdiction, in consequence of the defective execution of such Will.

To what description of Will provisions of Act to extend.

III. The word "Will" shall, in the construction of this Act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said Act of the sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act to repeal an Act made and passed in the twenty-first year of the reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof.'"

The word "Will" in this Act to be construed same as in 6 Vic., cap. 26.

IV. That so much of the forty-sixth and forty-ninth clauses of the said recited Act as limits the application of Executors, Administrators and Creditors to the term of three years to make application for Licence for the sale of or letting of real Estate towards payment of debts, shall be, and the same is hereby repealed, and that the said term shall be extended as to all future applications to the period of six years.

Repeals so much 6 Vic., cap. 16, Sec. 46, as limits application for Licence to sell real Estate to three years.

Extend the period for application to 6 years

This Act to be cited as "The Wills Act amendment Act 1860."

V. This Act may be cited as "The Wills Act amendment Act, 1860."

#### CAP. IV.

An Act to amend the Act to regulate the registry of Deeds and instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.

[Passed May 2, 1860.]

Preamble.

**W**HEREAS the Act passed in the third year of the reign of his late Majesty King William the Fourth, intituled "An Act to regulate the registry of Deeds and instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose," requires amendment: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

Registrar of Deeds to register Deeds relating to lands in this Island, although subscribing witness be dead or absent from the Island, on proof on oath of handwriting of Grantor or subscribing witness by person acquainted with such handwriting.

**It** That the Registrar of Deeds for this Island shall and may register all Deeds and instruments relating to the Title to Land within this Island, or its dependencies, which have been made and executed within this Island, or its dependencies, although the subscribing witness or witnesses thereto may be dead or absent from this Island, or its dependencies, provided the hand writing of the grantor or grantors, or the hand writing of the subscribing witness or witnesses, shall, before the registry thereof, be duly proved, on oath, before the said Registrar, by some person or persons duly acquainted with the hand writing

of the said grantor or grantors, or with the hand writing of the subscribing witness or witnesses, and who shall also at the same time make oath that he or they believe that the subscribing witness or witnesses to the said Deed or instrument relating to the Title to Land, is or are dead or absent from this Island, at the time of the proving thereof before the said Registrar.

Such person to make oath that he believes witness to be dead or absent at time of making proof.

II. The Registrar of Deeds shall duly endorse and sign upon the said Deed or instrument relating to the Title to Land, a Certificate of the said proof of the hand writing of the grantor or grantors, or of the hand writing of the subscribing witness or witnesses, and of the death or absence from the Island, or its dependencies, of the subscribing witness or witnesses, at the time of proving the same; and shall also enter and sign a minute thereof, in the margin of the Registry Book, opposite to the commencement of the record.

Registrar to endorse certificate of proof of hand writing of Grantor, &c.; also of death or absence of witness.

III. A memorial or entry of a Decree in Equity, or of a Judgment at Law, duly recorded in the office of the Registrar of Deeds in this Island, shall in all cases be a prior lien and charge upon any lands, tenements and hereditaments conveyed, granted or mortgaged by any unregistered deed or instrument in as full and ample a manner as if the said unregistered deed or instrument had never been made or executed.

Memorial of decree in Equity, or Judgment, &c., recorded in Registrar's office, to be a prior lien on lands, &c., conveyed, &c., by unregistered deed, &c.

IV. No Mortgage, Judgment, or other incumbrance on Land shall have any priority by reason of being held by or vested in a person who has a prior registered Mortgage of the same Land.

No Mortgage, &c., on lands to have any priority on account of being held by person holding a prior registered Mortgage.

## C A P. V.

An Act to alter and amend the Act relating to the establishment of Township Boundary Lines.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS difficulties are sometimes experienced by the Commissioners appointed under the Act of the fourth year of the reign of King William the Fourth, chapter fifteen, in running or establishing such Township Boundaries as commence on the sea shore or coast of this Island and terminate at a river, or as commence at a river and terminate at a river, and vice versa, but do not intersect the Island by running from coast to coast, inasmuch as they are required by the existing Law to establish all such Boundary Lines by running the same from the sea coast or place of commencement, continuously to the extremity of every such Township Boundary, although it has been found in some cases that the extreme points of such Boundary lines as recognized or acted upon by the owners or proprietors, of the adjoining Townships, or parts of Townships, on each side thereof cannot be connected by a continuous or straight line run according to the course laid down in the said recited Act,—for remedy whereof:

Mode to be adopted by Commissioners in running and settling Township Boundary lines, which commence on the sea shore &

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all cases where it shall be ascertained by the Commissioners appointed, or to be appointed, under the said recited Act of the fourth year of the reign of King William the Fourth, chapter fifteen, or any Act or Acts in amendment thereof, that the

extreme points of any Township Boundary line which commences on the sea shore or coast of this Island, or at a river or inlet, and terminates at a river or inlet, have been recognized or acted upon by the owners or proprietors of the Townships or parts of Townships adjoining the same on each side as the Township Boundary between such lands, it shall be lawful for the said Commissioners, and they are hereby required, having first duly ascertained the extreme points of such Township Boundary line which have been so recognized or acted upon, to run from such extreme points, according to the course prescribed by the said Act; and in all cases where such lines do not meet or correspond with the original plan or survey of the Island, or with the original grant or grants, or such other satisfactory evidence as the said Commissioners may receive, the Boundary shall be settled, and connected by a line perpendicular to the said lines, either North or South, East or West, as the case may be, and at such part of the line as shall be best calculated, in the judgment of the said Commissioners, to give to each party his due quantity or proportion of land, any thing in the third Section of the Act made and passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act to explain and amend an Act passed in the fourth year of His present Majesty's reign, intituled 'An Act for ascertaining and establishing the Boundary lines of Counties and Townships and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,'" to the contrary notwithstanding.

have been acted upon by Proprietors of Township adjoining the same on each side, as Township boundary line between such lands.

II. And whereas, either from the inaccuracy of the original survey, or from encroachments

Recital.

gradually made by the sea, the Island in some parts has been found much narrower than the Map represents it to be, and consequently if the lengths of the side lines given in the grants of the Townships in such parts or Districts of the Island were actually run, such lines would considerably overlap each other: Be it therefore enacted, that in all cases where it shall be ascertained by the said Commissioners that there is a deficiency in the actual breadth of the Island, as compared with the original Map of the same, or the descriptions in the grants, and where the rear or dividing lines between Townships abutting upon each other have not been already established under the authority of the said recited Act of the fourth year of the reign of King William the Fourth, chapter fifteen, or any Act or Acts in amendment thereof, and where no such rear or dividing line has been recognized and acted upon by the owners or proprietors of such adjoining Townships, it shall be lawful for the said Commissioners, and they are hereby authorized and required, in fixing and establishing such rear or dividing lines, to apportion the deficiency rateably and fairly between such owners or proprietors: Provided always that it shall be open to any such owner or proprietor, if he or she shall feel himself, or herself, aggrieved by the decision of the said Commissioners, in any such case, to bring the matter of the said decision before the Supreme Court of Judicature of the said Island, by way of appeal therefrom, or by Affidavit, setting forth the grounds of his or her objection to such decision; and the said Supreme Court shall have full power to examine and investigate into such decision, and the grounds thereof, either upon Affidavits or by the examination of witnesses viva voce, touching the same; and if it shall appear

Mode of ascertaining boundary lines, where a deficiency in actual breadth of the Island exists, as compared with the original Map or descriptions in Grants, and where the rear or dividing lines between Townships abutting upon each other have not been established under authority of Wm. 4th, cap. 15, or any Act in amendment thereof, and where no such rear or dividing line has been noted upon by Proprietors of such adjoining Townships.

Right of Appeal from decision of Commissioners to Supreme Court.

to the said Court that such rear or dividing line had been previously legally fixed or established between the owners or proprietors of such Townships, or had been recognized and acted upon by them in any other place than that fixed by the said Commissioners, it shall have power to make an order either wholly sitting aside and annulling such decision or act of the said Commissioners, or correcting or altering the same in such way and manner as in its wisdom it may deem just and right, and to grant or award costs to either of such owners or proprietors, or to apportion the same as in its discretion it may think fit.

III. And whereas doubts have arisen whether the Commissioners appointed under the said recited Act of the fourth year of the reign of King William the Fourth, chapter fifteen, can legally demand from the party or parties upon whose application any line has been run or established, the full amount of their fees in cases where all the parties interested in such line have not joined in making such application; Be it therefore enacted and declared, that in all cases where any Township line shall be run or established by the said Commissioners, the party or parties upon whose application the said Commissioners shall have acted shall be legally answerable to such Commissioners for the whole amount of their fees and charges, including the fees or charges of the Surveyors employed by them according to the scale thereof, prescribed in and by the said recited Act of the seventh year of the reign of King William the Fourth, chapter ten; and such party or parties so paying such fees and charges shall be entitled to receive from any other owner or proprietor of lands interested in such line, (such owner or proprietor not own-

Recital.

Party upon whose application Commissioners have acted, liable to such Commissioners for their fees, &c.

Party paying such fees, &c., entitled to recover rateable proportion from any other Pro-

prior inter-  
ested in line so  
run.

ing less than one thousand acres of land bound-  
ing upon such line), a rateable proportion of such  
fees and charges; and to recover the same by  
action of debt in the Supreme Court of Judica-  
ture of the said Island.

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## C A P. VI.

An Act to authorise the appointment of a  
Harbour and Ballast Master for Hills-  
borough Bay, and that part of the Port  
of Charlottetown not within the control  
of the City Council.

[ Passed May 2, 1860.]

Preamble.

**W**HEREAS the Act passed in the twelfth  
year of the reign of Her present Majesty  
intituled " An Act relating to the duties of the  
Harbour Master of the Port of Charlottetown,  
and for the better regulation of the public  
Wharfs therein," has been repealed in part by a  
Bye-Law or Ordinance of the City of Charlotte-  
town, chapter Thirty, intituled " A Law defining  
the duties of Harbour and Ballast Masters and  
Wharfingers, and the rates of Wharfage" (passed  
by the Mayor and Common Council of the said  
City under the powers vested in them in and  
by the Act of the eighteenth year of the reign of  
Her present Majesty, intituled " An Act to in-  
corporate the Town of Charlottetown") and the  
residue of the said first above mentioned Act  
will shortly expire, and it is expedient to make  
other provisions in lieu thereof :

Government to  
appoint fit per-

I. Be it therefore enacted, by the Lieutenant  
Governor, Council and Assembly, That it shall



and may be lawful for the Administrator of the Government, and he is hereby authorised, by and with the advice of Her Majesty's Executive Council, from time to time, as need shall require, to appoint a fit and proper person to act as Harbour and Ballast Master for Hillsborough Bay, and for so much of the Harbour of Charlottetown as is not within the jurisdiction of the Mayor and Common Council of the City of Charlottetown, which Harbour and Ballast Master so to be appointed, shall receive and be paid out of the moneys in the public Treasury, the sum of Five Pounds per annum for his services during the time he may hold the said appointment. Provided always, that when the person that may be appointed by the Government to the said office, shall be the same individual as that holding the appointment under the City Council of Harbour Master of the Harbour of Charlottetown, the sum to be paid out of the public Treasury to such person for his services under this Act, shall be only the sum of Two Pounds Ten Shillings per annum so long as he shall hold his appointment hereunder, in addition to his salary or allowance from the City Council.

son to act as Harbour and Ballast Master for Hillsboro' Bay and that part of Charlottetown harbor not within the jurisdiction of City Council.

To be paid a Salary of £5 out of Public Treasury.

Provided when same person appointed by Government is Ballast Master under City Council, salary to be reduced to £2 10s.

II. It shall be the duty of the said Harbour and Ballast Master appointed under this Act to cause the Buoys within Hillsborough Bay aforesaid, and within that part of the Harbour of Charlottetown not within the jurisdiction of the City Council, to be properly laid down, maintained and preserved, and the Beacons of the said Harbour to be sufficiently affixed and upheld; and for any omission, neglect, or default in such duty, the said Harbour and Ballast Master shall be responsible and be subject therefor to any deduction in his salary, upon order

Ballast Master to lay down Buoys within Hillsborough Bay and that part of the harbour not within jurisdiction of City Council, and to affix Beacons.

Ballast Master to be responsible for neglect of duty, &c.

When Ballast  
Master not  
liable.

made by the Lieutenant Governor and Her Majesty's Executive Council. Provided always, that the said Harbour and Ballast Master shall not be deemed liable for any matter complained of when the cause of complaint shall appear to be owing only to a want of funds at his immediate disposal.

Harbor Master  
to prevent Mas-  
ter or owners  
of vessels, &c.,  
from throwing  
stones, ballast,  
&c., into the  
water within  
limits afore-  
said.

III. The said Harbour and Ballast Master is hereby empowered 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 or matter that will not float, into the water within the limits aforesaid; and the said Harbour and Ballast Master is hereby authorized and required to prosecute any person or persons so offending, who shall upon due proof thereof, upon the oath of the said Harbor and Ballast Master, or any other credible witness, before any one of Her Majesty's Justices of the Peace, forfeit and pay for every such offence a sum not exceeding Five pounds, with costs; one half part thereof to be paid to the said Harbour and Ballast Master, and the other to be paid into the Treasury of the said Island, besides being liable to an action for any damage that any vessel or cargo may sustain thereby.

Ballast Master  
to prosecute of-  
fender before a  
Justice of the  
Peace.

Amount of fine.

How appro-  
priated.

Fine and costs  
to be levied on  
goods of offend-  
er.

IV. The said Fine or Penalty and costs shall and may be levied by Warrant of Distress and Sale of the offender's goods and chattels, or of the boats, apparel or tackle of any ship or vessel; in respect of which, or in respect of the master, owner part-owner, or commander, of which any such Fine or Penalty may have been payable; and if no such goods and chattels can be found whereon to levy the same, it shall and

If no goods can  
be found offend-

may be lawful for the said Justice to commit the party so offending to the Common Jail of the County for a period not exceeding two calendar months.

or may be imprisoned not exceeding two months.

V. This Act shall continue and be in force for the space of five years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Act to continue for 5 years.

## CAP. VII.

An Act to amend the Act relating to Judgments recovered in the Supreme Court of this Island, and to amend an Act therein mentioned.

[Passed 2nd May, 1860.]

**W**HEREAS doubts have arisen as to the right of a Plaintiff in Her Majesty's Supreme Court of Judicature to levy and sell under an Execution issued on a Judgment in the said Court, the equitable estate or interest of a Defendant in or to any lands, tenements or hereditaments, although a Judgment in the said Court by the Act passed in the twelfth year of the reign of Her present Majesty Queen Victoria, intituled "An Act relating to Judgments recovered in the Supreme Court of this Island, and to amend an Act therein mentioned," is declared to be a charge upon any estate or interest therein at Law or in Equity: for remedy whereof—

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof it shall and may be lawful for any

Plaintiff in Supreme Court may take in

Execution under any Judgment therein, equitable interest of any Defendant in any lands, and sell same for payment of debts.

Plaintiff to take in execution in the Supreme Court of Judicature of this Island, under and by virtue of any Judgment therein, the equitable estate or interest of any Defendant in or to any lands, tenements or hereditaments, and to sell the same for the payment of his debts, in the same manner as if the said Defendant were seized or possessed of such lands, tenements or hereditaments; and his equitable estate or interest therein shall vest in the purchaser in as full and ample a manner as it did in the Defendant.

Equitable interest shall vest in purchaser as fully as it did in Defendant.

## CAP. VIII.

An Act to continue certain Acts therein mentioned.

[Passed 2nd May, 1860.]

Preamble.

12 Vic., cap. 19.

12 Vic., cap. 20.

**W**HEREAS the Act of the twelfth year of Her present Majesty's reign, chapter nineteen, intituled "An Act to regulate the Survey of Timber and Lumber," and also the Act of the twelfth year of Her present Majesty's reign, chapter twenty, intituled "An Act to prevent Pedlars travelling and selling within this Island without Licence," will shortly severally expire, and it is deemed expedient to continue the same:

Continues 12 Vic., cap. 19, and 12 Vic., cap. 20, each for ten years, and to end of then next Session of Assembly.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said hereinbefore recited Acts shall be, and the same are hereby respectively continued for the space of ten years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. IX.

An Act for preventing Fraud by Secret  
Bills of Sale of Personal Chattels.

[Passed May 2, 1860.]

**W**HEREAS frauds are frequently committed upon Creditors by Secret Bills of Sale of Personal Chattels, whereby persons are enabled to keep up the appearance of being possessed of property, and the Grantees or Holders of such Bills of Sale nevertheless have the power of taking possession of the property of such persons, to the exclusion of the rest of their Creditors: for remedy thereof—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Preamble.

I. Every Bill of Sale of Personal Chattels, made either before or after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the Grantee or Holder shall have power, with or without notice, and either immediately after the making of such Bill of Sale, or at some future time, to seize or take possession of any property and effects comprised in and made subject to such Bill of Sale, and every Schedule and Inventory which shall be thereto annexed, or therein referred to, may be filed with the Prothonotary of Her Majesty's Supreme Court of Judicature at Charlottetown, or with the Deputy Prothonotary of Prince or King's Counties, according to the County in which the Grantor of the Bill of Sale may usually reside; and in case such Grantor shall be a non-resident in this Island, or shall have no fixed permanent

Bills of Sale to be filed with the Prothonotaries of the Supreme Court.

place of residence, then with the Prothonotary of the Supreme Court in Charlottetown.

The execution of Bills of Sale to be proved before filing.

II. The Execution of all such Bills of Sale as aforesaid which already have been or hereafter shall be made, shall, before filing thereof, be proved on oath before the Prothonotary or Deputy Prothonotary, with whom the same shall be filed, by one or more of the subscribing Witnesses thereto, or by the personal acknowledgement before him of the Grantor or Grantors in such Bill of Sale, which oath the said Prothonotary, or Deputy Prothonotary, is hereby empowered to administer, and which acknowledgement or proof of due Execution shall be endorsed on the back of each and every such Bill of Sale or writing so produced and proved, and also signed by the Prothonotary or Deputy Prothonotary.

The execution of Bills of Sale may be proved before Commissioners for taking Affidavits in Supreme Court.

III. The Commissioners appointed to take Affidavits in the Supreme Court in the several Counties of this Island shall be, and they are hereby empowered to administer an Oath to any Witness or Witnesses who may come before them to prove the due execution of any such Bill of Sale as aforesaid, or take the personal acknowledgment of the Grantor or Grantors therein as aforesaid; and they shall thereupon, and upon the back of each Bill of Sale, certify the proof or acknowledgment so made before them respectively, in manner as set forth in Schedules (A) and (B) to this Act; for which service the Commissioner shall receive the sum of Two shillings and Six pence, and no more; and the Prothonotary or Deputy Prothonotary, after such proof or acknowledgment before himself, or on receipt of any Bill of Sale so certified by the Commissioner as aforesaid, and on receipt

Prothonotary to file and enter Bills of Sale not proved.

of the fees due to him therefor, shall receive, file and enter the same in his office in manner as hereinafter mentioned.

IV. In case the Witnesses to any such Bill of Sale shall die before the proof or acknowledgment and filing thereof as aforesaid, or cannot be found, or shall be absent from the Island, then execution of the Bill of Sale may be proved by Affidavit before a Judge of the Supreme Court, to be attached to the Bill of Sale by any person or persons, to the effect that the person making the Affidavit has seen the Grantor or the witness or witnesses, or one of them, write, and is well acquainted with his or their hand-writing, and believes the hand-writing set to the Bill of Sale, or subscribed as Witness thereto, is of the proper hand-writing of the Grantor or Witness, as the case may be, and such Affidavit shall be signed by the Judge in the usual manner; and he shall be entitled to receive the fee of One shilling, and no more, for administering the Oath and signing the Affidavit; and any Bill of Sale with the Affidavit in this clause mentioned annexed shall be filed with the Prothonotary of the Supreme Court in Charlottetown.

Mode of proving execution in case of death or absence of subscribing Witnesses.

V. No person shall be compelled to attend before the Prothonotary, Deputy Prothonotary, Judge or Commissioner, as a Witness to prove the due execution of any such Bill of Sale as aforesaid, unless there shall have been previously tendered to him, or her, a reasonable compensation for his, or her, trouble and time, at and after the rate of four pence per mile for travelling expenses for every mile to be travelled in coming to and returning from the place where proof shall be made of the Bill of Sale; and in case the Witness shall refuse to attend before the

No person compelled to attend as a Witness to prove execution of a Bill of Sale until fees tendered.

Witness refus-

ing to attend as a witness, after tender of fees, may be committed for a contempt, &c.

proper Officer, within six days after such tender as aforesaid, the person or persons requiring the attendance of such Witness may make Oath before any one of Her Majesty's Justices of the Peace, and therein set forth the necessity of such Witness's attendance before the Judge, Prothonotary, Deputy Prothonotary or Commissioner, the making of such tender, and the amount thereof, and refusal to attend; and thereupon the Witness so refusing to attend as aforesaid shall be forthwith committed by Warrant, under the hand and seal of such Justice, to prison, there to remain without bail or mainprize, until he, or she, shall comply with the requisitions of this Act, and shall also pay the reasonable costs and all damages which may have accrued to the Grantee or Holder of the Bill of Sale, in consequence of such his, or her, neglect or refusal to attend and give evidence before the Judge, Prothonotary, Deputy Prothonotary or Commissioner as aforesaid.

The Prothonotary to keep a book containing particulars of each Bill of Sale.

VI. The Prothonotary and each of the Deputy Prothonotaries of the said Supreme Court respectively shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid filed in his office under the provisions of this Act, to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an Alphabetical List of every such Bill of Sale, containing therein the name, description and addition of the person making or giving the same, and also the person to whom or in whose favor the same shall be given, together with the number and dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times (if any) when the same is thereby made payable, according to the form contained in Schedule (C)



to this Act, which said book or books, and every Bill of Sale filed in the said office, may be searched and viewed by all persons at all reasonable times, paying the officer for every search the sum of one shilling, and no more.

VII. Each of the said officers shall be entitled to receive for his trouble in filing and entering every such Bill of Sale, the sum of one shilling, and no more; and for taking proof or acknowledgment, and certifying the same in manner as aforesaid, the sum of Two shillings and Sixpence, and no more.

Officers fees.

VIII. Any person shall be entitled to have an Office Copy or an extract of every Bill of Sale which shall be filed as aforesaid, upon paying for the same at the like rate as for Office Copies of Judgments or other documents in the Supreme Court of Judicature.

Office copies or extracts to be given on paying as for copies of judgments.

IX. It shall be lawful for any Judge of the said Supreme Court of Judicature to order a memorandum of satisfaction to be written upon any Bill of Sale as aforesaid, if it shall appear to him that the debt (if any) for which such Bill of Sale is given as security shall have been satisfied or discharged; and the Judge's fee for such order shall be one shilling, and no more.

Satisfaction may be entered.

X. From and after the passing of this Act every such Bill of Sale of personal Chattels as hereinbefore mentioned, which shall have been duly filed in the office of the Prothonotary or Deputy Prothonotary as aforesaid, shall take precedence and have priority over all other Bills of Sale of the same Chattels, whether prior in point of date or otherwise, which shall not have been previously filed; and every such last men-

Bill of Sale duly filed to have priority over all other Bills of Sale.

Bill of Sale not filed to be null and void against Sheriffs, &c., seizing any property comprised in the same.

tioned Bill of Sale, not being filed as aforesaid, shall, as against all other Bills of Sale given by the same party of the same property, or a part thereof, and duly filed, and also as against all Sheriff's Officers and other persons seizing any property or effects comprised in such Bill of Sale, in the execution of any process of any Court of Law or Equity authorizing the seizure of the Goods of the person by whom or of whose Goods such Bill of Sale shall have been made, and against every person on whose behalf such Process shall have been issued, be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal Chattels comprised in such Bill of Sale, which at or after the time of the execution by the Grantor of the Bill of Sale so duly filed under this Act, or of executing such process (as the case may be) shall be in the possession, or apparent possession, of the person making such Bill of Sale: Provided always, nevertheless, that all Bills of Sale heretofore or hereafter to be duly made and executed, shall in all cases as between the immediate parties thereto, and as against the Grantor therein named, and his Heirs, Executors and Administrators, be deemed to be valid and binding, notwithstanding the same shall not have been filed according to the provision of this Act, unless there shall be therein contained a condition or covenant to the contrary.

Bill of Sale not filed to be valid against Grantor, &c.

Any person filing Bill of Sale may make a copy thereof.

XI. Any person filing a Bill of Sale under this Act may make a copy thereof for his, or her, own use or otherwise, and require the Prothonotary or Deputy Prothonotary with whom the original may be filed, to compare the same with the copy, and after comparison to certify on the said copy that the same is a true copy of

such original, and also to certify to the filing of such original Bill of Sale.

XII. Bills of Sale executed before the passing of this Act, if duly filed as aforesaid, under the provisions hereinbefore contained, within six months after the passing of this Act, shall not be effected or postponed by the filing within that period of any Bill of Sale of a later date, anything herein contained to the contrary thereof notwithstanding.

Bills of Sale executed before passing of this Act, if filed within six months, not to be affected thereby.

XIII. A certified Copy of any Bill of Sale filed under this Act, certified under the Seal of the Supreme Court, and the hand of the officer with whom the original Bill of Sale shall be deposited, together with a certificate of the filing given by the same officer, shall be received as evidence of the contents of such Bill of Sale, and of the filing thereof, in all Courts in this Island wherein it shall become necessary to give the same in evidence.

A certified copy of a filed Bill of Sale under the seal of the Supreme Court to be evidence in all Courts.

XIV. The Officer's fees for making a copy shall be sixpence per folio of one hundred words; for comparing a copy produced and required to be certified, the sum of two shillings; and two shillings and three-pence for the certificate and seal, and no more.

Officers' fees for making a copy, &c.

XV. In construing this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

Interpretation of Terms.

The expression " Bill of Sale " shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without transfer, and other assurances of personal chattels, and also Powers of

Attorney, authorities and Licences to take possession of personal chattels as security for any debt; but shall not include the following documents, that is to say: Transfers or Assignments of any Registered Ship or Vessel, or any share thereof, Transfers of Goods in the ordinary course of business of any Trade.

XVI. The expression "Personal Chattels" shall mean horses, cattle, animals, goods, furniture, fixtures and other articles capable of complete transfer by delivery; and shall not include chattels, interest in Real Estate, nor shares or interest in Government securities, or in the Capital or Property of any Incorporation or Joint Stock Company or other choses in action.

XVII. Personal Chattels shall be deemed to be in the apparent possession of the person making or giving the Bill of Sale, so long as they shall remain or be in or upon any house, mill, warehouse, building, works, yard, land, farm or other premises occupied by him, or so long as they shall be used or enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

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Schedules to which this Act refers.

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SCHEDULE (A.)

Oath of subscribing Witness. On the            day of            personally appeared before me, A. B., of            and being sworn, testified that he is a Subscribing Witness to the within Deed or Writing, and that he was present and did see the same duly executed

by the Grantor (or Assignor as the case may be) therein named.

E. F.,  
Prothonotary, Deputy Prothonotary, or  
Commissioner in County for  
taking Affidavits in the Supreme  
Court.

SCHEDULE (B.)

*Form of Certificates of Acknowledgment.*

On the day of personally appeared before me  
A. B., of and acknowledged that he did freely  
and voluntary execute the within written Deed or Writing,  
to and for the uses and purposes therein mentioned.

Certificate of  
acknowledgment  
of Grantor.

E. F.,  
Prothonotary, Deputy Prothonotary, or  
Commissioner in County for  
taking Affidavits in the Supreme  
Court.

SCHEDULE (C.)

Name, &c., of the per- son making or giving the Bill of Sale, or of the person divested of property.	Whether Bill of Sale, Assignment or what other assur- ance, and whether ab- solute or conditional, and num- ber.	Date of Execu- tion.	Date of Filing.	Sum for which made or given.	When and how payable.

## CAP. X.

An Act to provide for the revising and reprinting of the Laws of this Island.

(Passed May 2, 1860.)

**W**HEREAS the Statutes of the General Assembly of this Island require to be revised and re-printed :

Lieut. Govern-  
or, &c., to ap-  
point three  
Commissioners  
to carry this  
Act into effect.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That for the due execution thereof it shall and may be lawful for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Executive Council, to nominate and appoint three fit and proper persons to be Commissioners to carry this Act into effect; and in case of the death, resignation, or absence from this Island of any of the said Commissioners, the Lieutenant Governor is hereby authorised to nominate and appoint, as often as it may become necessary, a fit and proper person in his stead, and the person or persons so appointed shall have the like powers and authority as are conferred by this Act upon the Commissioners herein before named.

Vacancies by  
death, &c., how  
to be filled up.

Duty of Com-  
missioners as to  
report upon  
Laws.

II. It shall be the duty of the said Commissioners, and they are hereby directed to examine into the several Statutes of the General Assembly of this Island, and to prepare a Report thereupon, to be laid before the Legislature at its next sitting, wherein shall be stated and explained all such Acts or parts of Acts as require amendment, alteration, or which may with convenience be consolidated.

Requisites of  
Report.

III. The said Commissioners appointed by virtue of this Act shall have full power and authority, and they are hereby directed to agree and contract with the person or persons who will engage, under good and sufficient security, to print the said Statutes of the General Assembly on the best and lowest terms, having previously given three months' notice for tenders for such contracts in the *Royal Gazette* newspaper.

Duty and power of Commissioners as to reprinting Laws.

Three months notice for Tenders to be given.

IV. The said Commissioners are hereby authorised and required to superintend the Printing of the said Statutes as aforesaid, and shall have full power and authority to cause the same to be done and performed in such way and manner as to the said Commissioners may seem most desirable; and the said Commissioners are hereby authorised to leave out of the several volumes of the Laws to be printed under the provisions of this Act, all Acts whatsoever, which have been repealed, or have expired, as well as all Acts the provisions of which have been executed, whether the Title to Lands, Tenements, or Hereditaments may have been derived under the provisions of any such Acts or not. Provided always, and it shall be the duty of the said Commissioners, besides inserting the Title of all such Acts in their proper order, in all cases where it shall appear to the said Commissioners that the provisions of any such Acts may affect the Titles to Lands, Tenements or Hereditaments to signify the same by way of marginal note thereto.

Further duty and power of Commissioners in reprinting Laws.

V. All and every Act and Acts of the General Assembly of the said Island heretofore published by the authority of the Government of this Island, that is to say, all the Acts contained in the volumes of the Laws printed at Charlotte-

Certain Acts not published in full in new edition of Laws to be nevertheless legal evidence.

town by the Government Printer in the year one thousand eight hundred and fifty-two, printed under the direction of the Commissioners appointed by virtue of the Act of the eleventh year of the reign of Her present Majesty, chapter thirty-two, and all Acts passed since the year one thousand eight hundred and fifty-one, down to the Session of the year one thousand eight hundred and sixty-one, inclusive, and printed annually by the Queen's Printer at Charlottetown, which shall not be printed in full in the new edition of the Laws, and by which the Title to Lands, Tenements or Hereditaments may be affected, shall, and they are hereby declared to be legal evidence in all Courts of Law and Equity, or Courts of Record in this Island, in all cases where the Titles to Lands, Tenements or Hereditaments derived or supposed to be derived under any of their provisions shall be in question or dispute, or where the same by reason of any such Act or Acts may in any manner be affected.

VI. For the purpose of insuring the preservation of the Laws heretofore published, it shall be the duty of the said Commissioners, and they are hereby required, within six months from the passing of this Act, to deposit in the office of the Registrar of Deeds, and the several offices of the Prothonotary of the Supreme Court, and of his Deputies in King's and Prince Counties, a full Copy of the Laws of this Island heretofore published as aforesaid, being the said volumes printed in the year one thousand eight hundred and fifty-two, and the several Acts passed since the year one thousand eight hundred and fifty-one to the Session of one thousand eight hundred and sixty-one, inclusive, and published annually by the Queen's Printer as here-

Duty of Commissioners in depositing certain Laws in Public Offices.

Public Offices in which such Laws are to be deposited.



inbefore mentioned; which Acts shall be kept in the said Offices as Records, and for the purposes of reference in all time to come, so far as relates to such of the said Acts as shall not be published in full in the said new edition of the Laws to be compiled under the direction of the said Commissioners, and by which Acts the Titles to Lands, Tenements or Hereditaments may be affected, which said several Copies shall contain a Memorandum to the following effect, subscribed with the names of the said Commissioners for the time being in their proper hand-writing, that is to say:

Prince Edward Island.

Filed in the Office of  
in                    County this                    day of  
                  18                    by virtue of an Act passed in the  
twenty-third year of the reign of Her present  
Majesty, intituled (here insert the Title of this  
Act).

Memorandum  
to be subscribed  
thereon by  
Commissioners.

VII. And it shall be the duty of the said Registrar and Prothonotary, and their respective Deputies and Clerks, within office hours, at all times, to exhibit the said Acts to any person or persons who shall or may require access to the same.

VIII. The said Commissioners for the time being are hereby authorized, in their joint names to sue for and recover the Penalty or Penalties contained in any agreement entered into by them in pursuance of this Act, if the contract so made shall not be faithfully performed and executed; and the said Commissioners are hereby authorized to agree and contract with some other person or persons for the completion of such Printing; the Penalty so to be recovered to be paid

Commissioners  
may sue for  
every breach of  
contract;

and to contract  
again where  
party has failed  
in original con-  
tract.

into Her Majesty's Treasury, to and for the use of Her Majesty's Government.

IX. It shall be part of the duty of the said Commissioners, and they are hereby required, to make a proper and full analytical Index to the said Statutes, to be printed and bound up therewith; and to cause Nine hundred Copies of the said Statutes and Index, with a correct Marginal Epitome to each Act, to be printed and fully bound in a similar style as the two volumes of the said Laws last published in this Island in the year one thousand eight hundred and fifty-two.

Duty of Commissioners to make Index to the Laws to be printed.

Number of Copies of Laws and Index to be printed.

How to be printed and bound.

Lieut. Govern- or, &c., to draw Warrants for amount of contract for printing, &c., after 1st Sept., 1860.

X. The Lieutenant Governor, by and with the advice of Her Majesty's Council for this Island, is hereby authorized at any time after the first day of September, one thousand eight hundred and sixty-one, to draw Warrants on the Treasurer of this Island, from time to time, for such sums as may be required by the said Commissioners for the purpose of fulfilling, on their part, the said contract so to be made and entered into as aforesaid.

## CAP. XI.

An Act to allow Verdicts on Trials by Jury in Civil Causes in this Island to be returned, although the Jury may not be unanimous, and to make other amendments to the Jury Law.

[ Passed May 2, 1860.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. From and after the passing of this Act, if upon the Trial by Jury of any Civil Cause in the Supreme Court of Judicature of this Island, the Jury are unable to agree upon a Verdict, and if, after having been kept in deliberation for a period of four hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of the Jury, and shall be taken, and shall have the same force and effect as if found unanimously by the whole of the said Jury, any Law or Statute to the contrary notwithstanding; and during the said period they may be furnished with necessary Refreshments by leave of the Judge.

If a Jury, after four hours deliberation, be unable to agree upon a verdict, the verdict of nine shall be valid and of the same effect as a unanimous one.

II. The fourth, fifth, sixth and twenty-third sections of the Act passed in the sixteenth year of the reign of Her present Majesty, intituled "An Act to regulate the mode of summoning Grand and Petit Jurors, and to provide remuneration for Petit Jurors," are hereby repealed.

Repeals the 4th, 5th, 6th and 23d sections of the 16th Victoria, cap. 6.

III. The High Sheriff for Queen's County shall, at the sittings of the Supreme Court therein, every year in the months of June and Jan-

When and how lists of Grand and Petit Jur-

ors for Queen's County to be prepared, and number of each to be contained therein.

The Grand and Petit Jurors for the Term of Supreme Court next, after passing of this Act, to be summoned as heretofore, and subject to like punishments, &c.

When and how list of Grand and Petit Jurors for Prince County to be prepared, &c.

Number of Grand and Petit Jurors to be contained in such lists.

Jurors for Term next after passing of Act to be summoned as heretofore.

uary respectively, return to the Prothonotary thereof two Lists, one containing the names of one hundred persons selected by him, qualified by their station and intelligence to serve as Grand Jurors, and the other containing the names of two hundred persons selected by him, and qualified as aforesaid, to serve as Petit Jurors, all to be resident within the County, and so chosen that as far as may be they may be supplied from all parts of the said County: Provided always, nevertheless, that at the next following Term of the said Court, after the passing of this Act, the Grand and Petit Jurors for the said County shall be summoned by the said Sheriff in the manner at present in practice; and the neglect of such summons is hereby declared to be subject to the punishments and consequences set forth in the Acts now in force relating to Jurors.

IV. The High Sheriff of Prince County shall in like manner hand to the Deputy Prothonotary of the Supreme Court therein, at the sittings of the said Court every year in the months of June and October respectively, similar Lists of persons qualified, as in this Act mentioned, to serve as Grand and Petit Jurors therein, save that the List of Grand Jurors for Prince County shall not be required to contain more than sixty-five names, nor the List of Petit Jurors more than one hundred and thirty names: Provided always, nevertheless, that the next following Term of the said Supreme Court, after the passing of this Act, the Grand and Petit Jurors for the said County shall be summoned by him in the manner at present in practice; and the neglect of such summons is hereby declared to be subject to the punishments and consequences set forth in the Acts now in force relating to Jurors.

V. The High Sheriff of King's County shall in like manner hand to the Deputy Prothonotary of the Supreme Court in the said County, every year at the sittings of such Court in the months of March and July respectively, similar Lists of persons qualified as in this Act mentioned, to serve as Grand and Petit Jurors therein, save that the List of Grand Jurors for King's County shall not be required to contain more than sixty-five names, nor the List of Petit Jurors to contain more than one hundred and thirty names: Provided always, nevertheless, that at the next following Term of the said Court, after the passing of this Act, the Grand and Petit Jurors for the said County shall be summoned by the said Sheriff in the manner at present in practice; and the neglect of such summons is hereby declared to be subject to the punishments and consequences set forth in the Acts now in force relating to Juries.

When and how list of Grand and Petit Jurors for King's County to be prepared.

Number of Grand and Petit Jurors to be named in such lists.

Jurors for Term next after passing of Act to be summoned as heretofore.

VI. In all Civil Causes, Informations and Indictments for Misdemeanors, either party may peremptorily challenge three of the Jurors or Talesmen.

Right to challenge peremptorily 3 Jurors.

VII. The Fee to be paid in all Civil Causes for the services of each Juror empanelled to try the same, shall be the sum of one shilling for each Juror trying the cause; and the same shall be paid by the Plaintiff in the cause to the Prothonotary or Deputy Prothonotary before the Verdict is delivered; and shall be paid over by him to the Jury who tried the cause, in addition to their allowance by Statute.

Fee payable in civil cases to each Juror for his services decreased to one shilling; to be paid by Plaintiff to Prothonotary, &c., before verdict.

How applied.

## CAP. XII.

An Act to alter and amend the Laws regulating the Sale by Licence of Spirituous Liquors.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS it is deemed desirable to alter the mode of obtaining Tavern Licences, by giving to the people themselves a more direct and efficient control in the granting of such Licences, than is now enjoyed by them:

Conditions on which tavern licences are to be granted within any School District, and which shall be inserted therein, (City of Charlottetown excepted.)

Tavern keepers to have sheds with mangers, &c.

No licence to be granted unless a certificate

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act no Licence shall be granted for keeping a Tavern or Inn within the bounds of any School District now established, or hereafter to be established, within this Island, the City of Charlottetown excepted, on any other than the following conditions, which shall be inserted in such Licence, that is to say: That the person to whom such Licence shall be granted shall keep, at all times during the continuance of such Licence, in his or her Tavern or Inn, at least three good and sufficient beds and bedding for the accommodation of travellers, with good stalled stabling, and necessary and wholesome provender for six horses; and such person shall at all times have and keep in good repair a good and sufficient shed, well roofed and enclosed, with suitable mangers or provender boxes therein, and having gates and bars for the exclusion of pigs, sheep, cattle and other animals, and for the free ingress and egress of carts, sleighs and other vehicles belonging to travellers: Provided always, that before any such Licence shall be granted, the

person or persons applying for the same shall produce a certificate from two neighbouring Justices of the Peace in the form to this Act annexed, marked (D), verifying that he, she or they hath, or have, in all respects, the accommodations hereinbefore required; and shall take and subscribe an Oath in the form prescribed in the Schedule hereto annexed, marked (A); and shall also enter into a bond or obligation to Her Majesty, Her heirs and successors, whereby the person or persons to be licensed shall become bound with one or more sufficient surety or sureties in the sum of Fifteen Pounds, with condition that he, she or they shall at all times keep and maintain good order in the house of entertainment for which such Licence is required; and such bond and condition shall be according to the form marked (B) in the Schedule to this Act annexed; and all persons so applying for such Tavern Licence as aforesaid, shall, before obtaining such Licence, produce to the Colonial Secretary, a certificate, according to the form marked (C) in the Schedule to this Act annexed, attesting to his or her moral character, and to the necessity for an Inn or House of public accommodation, signed by at least two of the neighboring Magistrates, and a majority of the householders resident in and entitled to vote for Trustees of Schools for the School District within which the proposed Inn or House of accommodation shall be situate.

to be produced from two neighboring Justices,

Form and requisites of certificate.

Oath also to be taken.

Form of Oath.

Bond to be entered into.

Penalty in Bond and condition thereof.

Form of Bond.

Certificate of moral character, signed by two neighboring Magistrates and a majority of resident householders within School District, entitled to vote for Trustees of School.

II. In all cases where application may be made to the Government for a Licence to keep a Tavern in any part of this Island, the City of Charlottetown excepted, not situate within the bounds of any School District for the time being established in this Island, then, and in every such case, before any such Licence shall

Conditions on which Tavern licences, (Charlottetown excepted) and not within any School District, are to be granted.

be granted, and which when granted shall contain the same conditions in all respects, as are prescribed for Licences granted under the first section of this Act, the party applying for the same, besides producing a certificate of two neighbouring Justices of the Peace, in the form, and certifying as hereinbefore is set forth, and taking and subscribing the Oath, and entering into the bond or obligation in the respective forms, and as to such bond or obligation with the like penalty and condition, and in the way and manner in all respects as are hereinbefore prescribed and required in the case of applications under the said first section of this Act, shall produce to the Colonial Secretary a certificate in the form marked (C) in the Schedule hereto annexed, attesting to his, or her, moral character, and to the necessity of an Inn or House of public accommodation, signed by two of the neighboring Magistrates, and at least twelve of his, or her, neighbours, being householders.

Certificate of moral character, signed by two neighboring Magistrates and not less than 12 neighbouring householders.

III. The second section of the Act made and passed in the nineteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the sale by Licence of Spirituous Liquors," and the Schedules therein referred to, shall be, and the same are hereby repealed.

Repeals 2nd Section of 19th Vic., cap. 2.

IV. From and after the passing of this Act, the rate or price to be paid to Her Majesty's Government of this Island for Licences for the retail of fermented or distilled spirituous liquors, shall be as follows, that is to say: by persons keeping a Tavern or Inn in any part of this Island, the City of Charlottetown excepted, having the ac-

Licence duty for tavern, City of Charlottetown excepted.



commodations hereinbefore required, the sum of three pounds ten shillings; and by persons keeping a Shop or Store, but who shall require a Licence for the retail of spirituous liquors in quantities not less than one pint, the sum of seven pounds ten shillings, anything in the fifth section of the said recited Act of the nineteenth year of the reign of Her present Majesty, chapter two, to the contrary thereof in anywise notwithstanding.

Licence duty payable by persons keeping a Store, retailing in quantities not less than 1 pint.

V. If the husband, wife, parent, child, brother or sister, master or guardian of any person addicted to the intemperate use of intoxicating liquors, or any Justice of the Peace, or Minister of the Gospel, residing within the County wherein such intemperate person resides, shall give notice in writing to any person engaged in the sale of intoxicating liquors, that such person is addicted to the intemperate use of intoxicating liquors, it shall not thereafter be lawful, under any pretence whatsoever, for the person receiving such notice by himself, his servants or agents, directly or indirectly, to sell or give any intoxicating liquors to such intemperate persons, to be used on the premises, or in any quantity less than five gallons, to be delivered and removed from the premises at one time; and any person knowingly violating the provisions of this section, upon proof of the truth of the statement contained in such notice, shall be liable to a fine of not more than five pounds for a first offence; and a fine of not less than five pounds, nor more than ten pounds, and imprisonment for a period of not more than thirty days, as the Court or Justice may direct, for a second or subsequent offence.

Husband, wife, &c., of any intemperate person, or Magistrate or Minister may notify Tavern keeper of such person's intemperate habits.

Person so notified not to supply intemperate person with liquor to be used on the premises, nor less than five gallons.

Persons violating this section liable to fine not exceeding £5 for first offence.

For second offence fine not less than £5, not to exceed £10, and imprisonment not more than 30 days.

VI. All persons having, before the passing hereof, obtained Licence for the retail of Spirituous Liquors, may continue to retail the same, subject

Licences granted before passing this Act to

continue sub-  
ject to provi-  
sions of 19th  
Vic., cap. 2.

to the provisions and restrictions in the said re-  
cited Act of the nineteenth of Victoria, chapter  
two, and the Acts in amendment thereof, until  
the expiration of the term for which such Licence  
shall have been granted.

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Schedules referred to by this Act.

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Schedule (A.)

SCHEDULE (A.)

*Form of Oath.*

Form of Oath  
to be taken by  
applicant for  
tavern licences.

I, A. B., of \_\_\_\_\_ in the County of \_\_\_\_\_  
(Yeoman), do swear that the stable and shed accommoda-  
tions therein this day viewed and examined by E. F. and G.  
H., Esquires, two of Her Majesty's Justices of the Peace,  
are now complete and in my actual possession, and are in-  
tended so to be at all times during the continuance of my  
intended licence, appropriated for the use of such horses and  
beasts of burden as may be required to be stabled therein  
by persons who shall put up or stop at my said intended  
tavern, and are not intended, and shall not be used by me, or  
any other person, for any other purpose, to the exclusion or  
denial of any such horses or beasts of burden; and the stable  
is within one hundred yards, and the said shed within thirty  
yards from said tavern; and I do further swear that the  
beds and bedding now exhibited to them the said E. F.  
and G. H., are according to the inventory hereunto annexed,  
and are for the use of travellers who may stop at this my in-  
tended tavern, and are lawfully in my possession, and have  
not been hired or borrowed for the temporary purpose of en-  
abling me to obtain a licence; and that I will at all times use  
such licence for the sole purpose of keeping a public Tavern,  
or Inn wherein I will entertain such proper guests as may  
offer, not being more than I can receive; and I will make  
only fair and reasonable charges against them for my ser-  
vices.

So help me God.

Schedule (B.)

SCHEDULE (B.)

*Form of Bond.*

Form of Bond  
to be given by  
tavern keeper.

Know all men by these presents that we  
are held and firmly bound unto our Sovereign Lady the  
Queen, her heirs and successors, in the sum of fifteen pounds

lawful current money of this Island, for which payment well and truly to be made we jointly and severally bind ourselves, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_. Whereas the above bounden \_\_\_\_\_ is about to apply for a licence for the sale by retail of spirituous liquors in the tavern or house of public entertainment kept by the said \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_

Now the condition of the above written obligation is such, that if the above bounden \_\_\_\_\_ shall, on having obtained a licence as aforesaid, in no way or manner at any time offend against or violate, but at all times well and sufficiently comply with the regulations or provisions made by law for the sale by licence of spirituous liquors, and shall keep and maintain good order in the tavern or house of entertainment aforesaid, then, and in such case the above written bond or obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of \_\_\_\_\_

#### SCHEDULE (C.)

Schedule (C.)

##### *Certificates of Magistrates and Householdors.*

We, the undersigned, do hereby certify that a Tavern or Inn is required and necessary at \_\_\_\_\_ in the Township of (or Town as the case may be) for the accommodation of the public, and that (name of applicant) being the applicant for a licence to keep the same, is of good moral character.

Form of Certificate that a tavern is required, and of good character of applicant.

#### SCHEDULE (D.)

Schedule (D.)

##### *Certificate of two Justices as to accommodation.*

We, the undersigned, having examined the premises of \_\_\_\_\_ who is an applicant for a tavern licence, do certify that the said \_\_\_\_\_ has the necessary accommodations to entitle him to receive the same.

Certificate that applicant has necessary accommodation.

## CAP. XIII.

An Act in further amendment of the Laws regulating the Sale by Licence of Spirituous Liquors.

[Passed 2nd May, 1860.]

Preamble.

2d section of 19  
Vic., cap. 2,  
repealed by an  
Act of the pre-  
sent Session.

**W**HEREAS by an Act passed in this present Session of the General Assembly, the second section of the Act made and passed in the nineteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the Sale by Licence of Spirituous Liquors," is repealed: And whereas the City of Charlottetown ought to have been excepted from the consequences of such repeal—

City Council  
may continue  
to grant licen-  
ces according  
to the 2nd  
Section of 19  
Vic., cap. 3.

1. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the City Council of the City of Charlottetown shall and may continue to grant Licences in accordance with the provisions of the said hereinbefore recited Act, and that the said second section and all other parts of the said Act, so far as the said City is concerned, shall be deemed in full force and virtue.

## CAP. XIV.

An Act to alter and amend the Laws relating to Education.

[Passed 2nd May, 1860.]

**W**HEREAS it is deemed expedient, in order to render more efficient the system of public Instruction in the Colony, to provide for a more thorough and particular examination of School Teachers, so as that efficiency and merit may be properly recognized and encouraged. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

Preamble.

I. All School Teachers now or heretofore licensed by the Board of Education of this Island, shall and may undergo a re-examination by the said Board of Education, as to their fitness and qualifications for their office.

Teachers heretofore licensed may undergo re-examination.

II. Every School Teacher heretofore licensed by and holding a Certificate from the Board of Education, who shall decline or refuse to submit to be re-examined by the said Board, or having submitted to such re-examination, shall not be deemed entitled to a Certificate of qualification, shall be allowed to receive at the rate of Forty-five pounds per annum for teaching, if of the First Class; and at the rate of Fifty pounds per annum for teaching, if of the Second or Highest Class, and no more; the same to be paid by quarterly payments, in the way and manner by Act of Assembly already provided, and to be in lieu and place of the sums of Fifty pounds and Fifty-five pounds as heretofore paid to such First and Second Class Teachers respectively; but nothing herein contained shall be deemed to interfere with or abridge the right of any School

Teachers heretofore licensed refusing to be re-examined, or on re-examination not qualified to receive £45 a year if 1st Class; 2nd Class Teachers £50 a year.

Salary paid quarterly.

Nothing herein contained to interfere with existing contract with Teacher.

Teacher arising from or out of any school contract existing at the time of the passing of this Act.

Every licensed Teacher under this Act whether Acadian or otherwise, shall receive the following Salary: 1st Class, £55; 2d Class, £50.

Salary paid quarterly.

III. Every School Teacher, and every candidate for the office of School Teacher, whether Acadian or otherwise, who shall hereafter pass an examination of the Board of Education, and receive a certificate of qualification, and who shall hereafter be licensed in accordance with the provisions of the Laws now in force respecting Education, and who shall comply in all respects with the terms and directions in the said Laws, shall be entitled to the following yearly salary, namely: If a Teacher of the First Class, at the rate of Fifty-five pounds for teaching for one year, instead of Fifty Pounds; and if a Teacher of the Second or Highest Class, at the rate of Sixty pounds for teaching for one year, instead of Fifty-five pounds as heretofore allowed, the same to be paid by quarterly payments in the way and manner by Act of Assembly already provided.

Every Acadian Teacher now in charge of a School refusing to be re-examined by the Board of Education, or on examination not qualified for for either class to receive £35 a year.

Salary paid quarterly.

Nothing herein

IV. Every Acadian Teacher in charge of a School at the passing of this Act, and authorized to teach the same, by virtue of the Acts of Assembly already in force, and who shall decline or refuse to be examined by the Board of Education, or having submitted to an examination thereby, shall not be deemed qualified for either a First or Second Class Teacher, in manner required by the Acts of Assembly now in force respecting Teachers of those Classes, shall in future receive but Thirty-five pounds per annum for teaching, in lieu and place of Forty Pounds as at present allowed; and the said sum of Thirty-five pounds shall be paid quarterly, and in way and manner hitherto by the said Acts of Assembly prescribed as respects Acadian Teachers, but nothing herein contained shall be

deemed to interfere with, or abridge the right of any Acadian School Teacher, arising from or out of any School contract existing at the time of the passing of this Act.

contained to interfere with right of Acadian Teacher in any existing contract.

V. From and after the time when this Act shall go into operation, the Board of Education shall, before granting a Licence to teach to any person who shall have appeared before them to be examined for the office of Teacher, save and except persons already licensed and now holding Certificates of qualification as Teachers from the Board of Education, require and receive from the party applying for such Licence, a Certificate signed by the Teacher of the Normal School to the effect that such applicant has attended and received instruction and training at the said Normal School, for a period of not less than five months, and which five months' attendance at the Normal School may be given either shortly before or after the examination passed before the Board of Education. Provided always, that any such Candidate for the office of Teacher as aforesaid, who shall have attended at the Normal School for the specified period of five months, and shall nevertheless, on being examined before the said Board of Education, not be deemed entitled to his Certificate of qualification or Licence to teach, shall be allowed to submit himself again for examination at any subsequent meeting of the Board, and shall in the meantime continue in attendance at the Normal School. Provided further, and it shall not in any case be necessary for any Candidate, previously to obtaining his certificate of qualification or Licence, to produce a Certificate signed by the Head Master or other Master of the Central Academy; anything in the fifth section of the Act of the fifteenth year of the reign of her present Majesty, chapter

Persons applying for licence to teach (except persons already licensed) shall, before same is granted, produce certificates from Teacher of Normal School of their attendance for 5 months.

Such attendance may be before or after examination.

Candidate failing to pass Board allowed to submit himself again for examination at any subsequent meeting thereof.

Not necessary to produce certificate from any Master of Central Academy.

School Master or Mistress discontinuing teaching for 2 years not entitled to teach without re-examination.

Authority to Board to dispense with attendance at Normal School in certain cases.

Board authorized to grant extra certificates.

A certificate from a Public British or Provincial training Institution entitled to same privilege as one from Normal School of this Island.

thirteen, to the contrary thereof, notwithstanding; and provided also that no School Master or Mistress licensed to teach under this Act, or any Act of which this is an amendment, who shall have been, or may or shall hereafter be absent from this Island, or shall have discontinued the practice of teaching, or not been employed therein under any agreement to teach as in this or in any former Act specified, for the space of two years together, shall hereafter be permitted or be qualified to teach under this Act, unless he or she shall again appear before the said Board of Education and be examined, and receive a new Certificate or Licence as aforesaid. Provided always, that no such licensed Teacher as aforesaid, shall be required to attend at the Normal School preparatory to receiving a new Certificate or Licence, if the said Board, after examination, shall see fit to dispense with such attendance, anything in this Act, or any Act to which this is an amendment, to the contrary thereof, notwithstanding.

VI. If at any monthly examination of the Board it shall appear that any Candidate has proved his qualifications to be not only equal, but superior to those required by law, it shall be in the discretion of the said Board to grant to such Candidate an extra Certificate to that effect.

VII. Every person who shall have studied in and received a Certificate or Diploma from any public British or Provincial Training Institution, according to Stowe's system, shall be entitled to the same privilege and advantage in obtaining a Licence of qualification for a District Teacher, as those persons holding Certificates of attendance at the Normal School in this Island, provided such Certificate or Diploma as aforesaid shall have been duly obtained within two years



previous to the application of the person therein named for a Licence to teach as aforesaid.

VIII. And whereas the average number of Scholars for daily attendance at Schools as prescribed by the twenty-first section of the Act of the seventeenth year of the reign of Her present Majesty, chapter three, has been found too high: Be it therefore enacted, that the said average number, in place of twenty, shall hereafter be eighteen; and that in all cases where the average attendance of Scholars shall hereafter be found to be less than eighteen, the salary by this Act allowed to the said Master shall be reduced by the deduction of such amount as shall bear the same proportion to the number of scholars deficient or wanting eighteen, as the said Teacher's salary bears to the said average number of eighteen scholars: Provided always that in the event of the average number of scholars attending any District or Acadian School in any year after the passing of this Act, falling below the average number of eighteen scholars, then, and in every such case, the Trustees of such District or Acadian School shall be liable for and shall make good the deficiency, which shall thereby be occasioned in the amount of the Government allowance to such Teacher; and it shall be the duty of all Trustees of District and Acadian Schools in this Island, from and after the passing of this Act, in all cases when entering into an engagement or agreement with any Teacher, to insert, or cause to be inserted, in each and every such agreement, a clause binding the parents of the children attending such School, and the Trustees on their behalf, to pay and make good any deficiency which may be occasioned in the Government allowance of such Teacher by the average attendance of scholars at such District

Recital.

Average number of Scholars reduced from 20 to 18.

In all cases where average attendance less than 18, salary of Master to be reduced in proportion to number of scholars deficient.

Trustees to make good to Teacher the deficiency in amount of the Government allowance occasioned by attendance falling below average.

Trustees to insert a clause in agreement with Teacher binding parents of children attending the school to make good deficiency occasioned by non-attendance of average number of such children.

or Acadian School falling below the number of eighteen, as fixed and established by this Act.

Mode of ascer-  
taining propor-  
tion of defi-  
ciency to be  
paid by parents  
and manner of  
assessing for  
same.

IX. All parents of children within the bounds of such District, or belonging to any such Acadian School, shall be liable to contribute towards such deficiency in proportion to the number of children which such parents may have respectively; and in default of such contribution, after the same shall be duly demanded, the said amount so to be deducted from the said salary shall be raised by an assessment to be levied by the Trustees on the parents or guardians of all children in the said School District, or belonging to such Acadian School; such assessment to be apportioned, levied and raised by said Trustees in such manner and under and subject to such directions, rules, regulations and conditions as are prescribed for levying and recovering assessments in the said recited Act of the fifteenth year of Her present Majesty, chapter thirteen.

Forty scholars  
required for  
Acadian  
Schools; if  
average daily  
attendance falls  
short of 18, &c.,  
to proportion  
of salary to be  
deducted from  
Teacher.

X. Forty scholars shall be deemed the requisite total number for each Acadian School; and in case the average daily attendance of scholars during the three months immediately preceding the period of his claiming his allowance, shall not amount to eighteen, there shall be deducted from his salary a sum for each scholar deficient or wanting that number, bearing the same relative proportion to the number so deficient, as the said allowance of Thirty-five Pounds bears to the said average daily number of eighteen scholars.

Recital.

Two Male  
Schools in City  
of Charlotte-  
town to be  
closed.

XI. And whereas it is deemed expedient to decrease the number of District Schools for male children at present authorized to be taught in the City of Charlottetown: Be it therefore further enacted, That it shall be lawful for His Excellency the Lieutenant Governor, in Council, to make an order that any two of the District

Schools at present taught by male Teachers in Charlottetown shall be closed at the end of the year or period when the existing agreements between the present Masters and the Trustees thereof respectively shall terminate, and thereafter there shall be four District Schools only for Charlottetown and Royalty, in place of six, as heretofore allowed by Law.

Four Schools only for Charlottetown and Royalty.

XII. The introduction of the Bible to be read in the Central Academy, and in all the Public Schools of this Island of every grade receiving support from the Public Treasury, is hereby authorized, and the Teachers are hereby required, to open the School on each school day with the reading of the Sacred Scriptures, by those children whose parents or guardians desire it, without comment, explanation or remark thereupon by the Teachers; but no children shall be required to attend during such reading aforesaid, unless desired by their parents or guardians.

The Bible authorized to be read in all Public Schools by children whose parents or guardians desire it.

No children required to attend during such reading.

XIII. In all cases where the majority of inhabitants, resident householders, in any established School District shall decide upon erecting a new School-house within the same, or enlarging or completing any School-house already erected, or rebuilding or repairing the same when decayed, it shall be lawful for such majority of resident householders to meet together and make an order, or give directions to the Trustees of such School District for the time being, to assess the several resident householders within the same, for the erection of such School-house, or for enlarging, completing, rebuilding or repairing the same as aforesaid, as the case may be, which as to size shall be in conformity with the provisions of the Act passed in the seventeenth year of the reign of Her present Majesty, chapter three; and a plan and specifi-

When and how resident householders may be assessed for erecting, enlarging, rebuilding or repairing School-house.

Size of School-house to be in conformity with provisions of 17th Vic., cap. 3.

Trustees to make assessment, with powers to levy same in manner prescribed to Committees by 12 section of 17 Vic., cap. 3.

Right of householders to resist rate on the plea of inequality thereof.

In cases of doubt as to legal election or resignation of Trustees, Board of Education authorized to determine same, and if necessary to order a new election.

Board empow-

cation of such School-house so to be erected, or of the contemplated enlargement, manner of completing, rebuilding or repairing the same, having been submitted to, and approved by a majority of such resident householders, the said Trustees shall thereupon have full power to make such assessment as aforesaid, with all the like powers and authorities as to the demanding, suing for, and recovery of such assessment by such Trustees as are by the twelfth section of the last hereinbefore recited Act given to Committees appointed for the assessing of inhabitants in newly erected Districts, such proceedings being in all respects similar (*mutatis mutandis*) to those provided in and by the said twelfth section of the said last hereinbefore recited Act in respect to such Committees, and with the same power to any such householder against whom any action may be brought for the recovery of such rate of pleading, the inequality thereof, after such notice to the Trustee or Trustees in whose name the action may be brought, as is provided in the said last mentioned section of the said recited Act with reference to such Committee as aforesaid.

XIV. In the event of any disputes or doubts arising or existing as to the legal election or resignation of any District School Trustee or Trustees, or the right of any person or persons to assume the office, or exercise the duties of Trustee or Trustees of such School, the Board of Education are hereby authorised and empowered to enquire into and determine the same, and if necessary to order a new election of the whole, or any less number of the said Trustees; and for the better ascertaining the truth in such case, to require the personal attendance before the said Board, and to examine, on oath, any

witness or witnesses whose evidence may be deemed necessary on such enquiry; and any witness who shall refuse to attend so to be examined, after his reasonable expenses for doing so shall be tendered to him, shall be liable to pay to the party complaining, a fine of not more than Five Pounds, nor less than One Pound; the same to be recovered, with costs of suit, in manner as Small Debts are now recovered.

ored to examine Witnesses upon Oath, and any Witness refusing to attend and be examined liable to a penalty of not more than £5, nor less than £1.

XV. In case the said Board shall order a new election of Trustees, a day, hour and place shall be named in such order for that purpose, and a copy thereof shall be posted on the School-house of the District, at least six days before the day so named, and the inhabitants who shall thereupon assemble shall then and there elect the necessary number of Trustees, who, on being confirmed by the said Board of Education, shall be deemed to be in office until the first day of July next after the date of such election, or until some new election, duly authorized, shall take place.

Time and manner of holding a new election of Trustees.

XVI. Every male Teacher heretofore licensed by the Board of Education, and at present teaching in the District Schools in Charlottetown, and the Common and Royalty thereof, and the town of Georgetown, except the two Teachers to be discontinued as mentioned in the ninth section of this Act; and also all licensed female Teachers in the town and county Districts of this Island, and every Teacher, whether male or female, who shall hereafter be appointed to teach in any of such Schools respectively, as aforesaid, and who shall hereafter pass an examination before the said Board, and receive a certificate of qualification or licence to teach, shall be entitled to receive a further allowance of one-tenth of the amount heretofore by law allowed, in addition

Any Teacher who shall hereafter pass on examination before the Board and receive a licence to teach, to receive a further allowance of one-tenth of the amount heretofore allowed in addition to salary at present paid.

Any Teacher refusing to be re-examined, or having submitted to examination not deemed entitled to a certificate, shall be subject to a reduction of salary.

to the salaries at present respectively paid to such Teachers. Provided always, that every such Teacher as aforesaid, who shall decline or refuse to submit to be re-examined by the said Board as aforesaid, or having submitted to such re-examination, shall not be deemed entitled to a Certificate of qualification, shall be subject to a reduction in his or her salary of one-tenth of the amount heretofore by law allowed to every such Teacher respectively; but nothing herein contained shall be deemed to interfere with or abridge the right of any School Teacher in this clause referred to, arising from or out of any school contract existing at the time of the passing of this Act.

Any Teacher of the Second Class holding a certificate to teach Latin or Greek to receive ten shillings per annum for each scholar taught the same, up to ten scholars, in addition to salary allowed by this Act.

XVII. Any District Teacher of the Second or Higher Class, or any Teacher of the Higher Class in Charlottetown or Georgetown, if he shall, in addition to the necessary qualifications as set forth in the fifth section of the said recited Act of the fifteenth year of the reign of Queen Victoria, chapter thirteen, be qualified to teach Latin or Greek, and hold a Certificate from the Board of Education of such qualification, shall, in addition to the rate or allowance to be paid to him by virtue of this Act, as hereinbefore mentioned, be entitled to receive from the Treasury of this Island, at the rate of ten shillings per annum for each scholar taught and instructed by him in Latin or Greek, with the higher branches of Education, as pointed out by the said fifth section of the said recited Act up to ten scholars; that is to say, until the annual amount or rate payable to him, in addition to the sum to which he is entitled under this Act, as hereinbefore set forth, shall amount to five Pounds per annum, and there the said additional allowance shall stop; but nevertheless, if more

than ten scholars offer themselves requiring to be taught Latin or Greek, and the said higher branches, the said Second or Higher Class Teacher shall instruct them therein, without in any case under this Act being entitled to a higher allowance or rate of annual salary than the said amount to which he shall be so entitled under this Act, including the said five Pounds extra given by this clause; and in order to entitle any Teacher to receive the extra amount granted under this section, he must, in addition to the Certificates required by the said last recited Act, or any Act or Acts in amendment thereof, produce a written return, signed by himself, and certified and verified by the School Visitor, also by the Secretary of the Board of Education, stating the number of Scholars, and their names, actually taught by him in Latin or Greek and the higher branches, and the periods during which they have been so taught.

To claim extra allowance for teaching Latin or Greek, Teacher must produce written return, signed by himself, and certified and verified by School Visitor and Secretary of Board of Education, of number of scholars taught Latin and Greek.

XVIII. Every Schoolmaster or Teacher who shall hereafter be engaged as a District Teacher in this Island, shall be obliged, and he is hereby required, within twenty days after his entering into such engagement, to transmit to the Secretary of the Board of Education, a notice thereof in writing, in the form in the Schedule to this Act annexed, marked (A), set forth, stating the date at which he shall have entered into such engagement, and the day on which the School under his charge shall have been opened; and such engagement as aforesaid shall in no case be entered into for a longer or shorter term than twelve months from the commencement thereof.

Teacher to transmit to Secretary of Board of Education a notice of his engagement within 20 days after entering into same.

Engagement to be entered into for 12 months.

XIX. Each and every Teacher on depositing, or there being deposited on his behalf, with the Secretary of the Board of Education, one part

On Teacher depositing with Secretary of

Board of Education his Agreement with Trustees, and certificate in form of Schedule (B), the Secretary to certify class to which Teacher belongs, and amount of salary to which he is entitled; and on production of the certificates, &c., to Governor in Council, Teacher to be paid his salary quarterly by Warrants on the Treasury.

of the original agreement made by him, or on his behalf, with the Trustees or Inhabitants of any School District, or a true copy thereof, attested on Oath, with a certificate in the form prescribed in the Schedule to this Act annexed, marked (B), endorsed thereon, or thereto annexed, under the hands of a majority of the Trustees of his School, in the manner prescribed by the Act of the fifteenth year of the reign of Her present Majesty, chapter thirteen, or any other Act in addition thereto, or amendment thereof; and that the provisions of the several last mentioned Acts, and of this Act, in all respects, have been duly complied with; and also certifying to the good conduct, attention and sobriety of such Master during the time he shall have kept his School pursuant to such agreement, which conduct shall also be therein certified by one or more Justice or Justices of the Peace residing near such School; the said Secretary, by and with the concurrence of one other member of the said Board of Education, shall certify the class to which such Teacher shall belong, and the amount to which by law, and shall satisfactorily appear by such certificate, the said Teacher shall be entitled; and on the production of such certificate last mentioned, such Teacher shall be entitled to receive from the Treasury of this Island, such amount as he, or she, according to his, or her, class and qualifications, shall be by this Act entitled to; the same to be paid by quarterly payments, on production of the certificates and other requisites aforesaid, by Warrant, under the hand and seal of the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Executive Council.

XX. The Agreement to be entered into between the Trustees of any School established

Agreement  
with Teacher



under the said recited Act of the fifteenth Victoria, chapter thirteen, or any Act in addition thereto, or amendment thereof, with the Master or Teacher, on his engaging to take charge of such School, shall or may be in the form or to the effect prescribed in the Schedule to this Act annexed, marked (C.)

to be in the form in Schedule (C) of this Act.

**XXI.** So much and such parts of the several Acts of the General Assembly hercinbefore recited, and of all other Acts on the subject of Education, which are contrary to or inconsistent with this Act, shall be, and the same are hereby repealed.

All Acts inconsistent with this Act repealed.

Schedules to which this Act refers.

SCHEDULE (A.)

*Notice from Teacher of his Engagement.*

I hereby give notice that I have entered into an agreement bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ to teach the School in the Settlement of \_\_\_\_\_ in Township Number \_\_\_\_\_ or the Town or Royalty of \_\_\_\_\_ as the case may be) for the Term of \_\_\_\_\_ and that the said School was opened by me on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
A. B., Teacher.

Teacher's notice of engagement.

We do hereby certify that the foregoing statement is correct.

C. D., }  
E. F., } Trustees.  
G. H. }

SCHEDULE (B.)

*Teacher's Certificate to obtain Salary.*

We the undersigned Trustees of the School at \_\_\_\_\_ on Township Number \_\_\_\_\_ do hereby certify that A. B., Teacher of the \_\_\_\_\_ Class, has diligently, faithfully and soberly discharged his duties during the last \_\_\_\_\_ months as

Teacher's certificate to obtain salary.

Teacher of our School, and has duly kept a Journal of the said School during the said period, and in all other respects has complied with the provisions of the Act for the encouragement of Education, and to raise funds for that purpose, by imposing an additional assessment on Land in this Island, and on Real Estate in Charlottetown and Common, and Georgetown and Common, and of the several Acts in addition thereto, and amendment thereof, and is entitled to receive the sum of \_\_\_\_\_ for his said services; and that a School-house, in accordance with the said Acts, has been provided. As witness our hands this \_\_\_\_\_ day of 18\_\_\_\_\_

Trustees of School.

(To be signed by the Trustees in the presence of one another.)

I certify that the foregoing statements, to the best of my knowledge and belief, are correct.

————— J. P.

### SCHEDULE (C.)

#### *Form of Agreement with Teacher.*

Form of Agreement with Teacher.

These presents witness that A. B., Licensed Teacher of the \_\_\_\_\_ Class (or as the case may be) doth hereby agree and engage with C. D., E. F., G. H., I. J. and K. L., Trustees of the \_\_\_\_\_ District School, Township Number \_\_\_\_\_ in Prince Edward Island, to conduct the said School duly, faithfully and punctually, in accordance with the Statutes of the said Island, and the rules and regulations of the Board of Education, for and during the Term of one year from the \_\_\_\_\_ day of \_\_\_\_\_ according to the best of his skill and ability; and the said Trustees do, on their part, agree and engage to keep the School-house in the said District in substantial repair, and comfortable for the accommodation of the Teacher and Scholars; to provide sufficient fuel, cut at all times, for the use of the said School; to provide such Books and School furniture as may be prescribed by the Board of Education and Visitor of Schools; to visit and inspect the said School, to direct the discipline thereof; to keep in as regular attendance as possible all the Scholars resident in said District; and further, that the parents of all children residing within the said District shall make good any reduction in the amount of the Government allowance to the said A. B. which may be occasioned by a deficiency in the attendance of the average daily number of eighteen Scholars, as required by the seventh section of the Act of the twenty-third year of the reign of Her present Majesty, intituled "An Act to

alter and amend the Laws relating to Education;” and on the performance by the said Teacher of his part of this agreement, to give him the Certificates necessary to enable him to receive the allowance to which he is entitled from the Treasury of this Island. (If there be any further agreement between the parties as to any allowance by voluntary subscription to the Teacher, or as to his board, or otherwise, insert the same here.)

In witness whereof the said parties, to these presents, have hereunto set their hands this                      day of                      18

Signed in presence of

A. B.,	} Trustees.
C. D.,	
E. F.,	
G. H.,	
I. J.,	
K. L.	

C A P. X V.

An Act to alter the Normal School Act.

[Passed May 2, 1860.]

**W**HEREAS it is deemed necessary, in order to render more efficient the purposes of the Normal School, and to provide for the enlarged usefulness and extension thereof, consequent upon the closing of two of the District Schools in Charlottetown, that there should be an additional Master appointed thereto: Preamble:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much the sixth section, and all other parts of the Act passed in the eighteenth year of the reign of Her present Majesty, chapter twelve, as limits the Lieutenant Governor and Council to the appointment of but one Master for the Normal School, shall be, and the same is hereby repealed. Repeals so much of 6th sec. of 18 Vic. cap. 12, as limits Lieut. Governor to appoint one Master for Normal School.

II. It shall be lawful for the Lieutenant Governor, with the advice and consent of the Executive Council, to appoint one fit and proper Lieut. Governor to appoint fit person as additional Teacher

for Normal School.

Proviso: no person to be appointed without Diploma from British or Colonial institution established upon Stowe's principles.

Salary of additional Teacher to be £150, payable quarterly.

Candidate for admission into the Normal School, to be examined by Board of Education.

person to be an additional Teacher in and for the said Normal School, who shall be constituted the Second Master thereof, and whose power and duties therein shall be prescribed by the Board of Education: provided that no person shall be appointed to such office who has not received a Diploma or Certificate of qualification from some British or Colonial Training Institution established upon the principal of Stowe's Normal or Training System.

III. There shall be paid to the additional Teacher or Second Master of the said Normal School, the annual sum of One hundred and fifty Pounds, payable quarterly, from the first day of his entering upon his duties, by Warrant under the hand and seal of the Lieutenant Governor, drawn on the Treasurer of this Island, in the usual manner, on producing the Certificate of the Board of Education of his being entitled to receive the same.

IV. Every candidate for the office of School Teacher, before being admitted into the Normal School, shall be first examined by the Board of Education, and shall produce a Certificate thereof, certifying to the proficiency of such Candidate, and to his or her being duly qualified to become a student for the office of School Teacher.

## CAP. XVI.

An ACT relating to the Recovery of Small Debts, and to repeal certain Acts therein mentioned.

[May 2d, 1860.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. From and after the passing hereof, the several Acts hereinafter mentioned shall be, and the same are hereby repealed ; that is to say :

An Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter One : Repeals  
2 W. 4, cap. 1,

An Act passed in the same Year of the same Reign, Chapter Five : 2 W. 4, cap. 5,

An Act passed in the Third Year of the same Reign, Chapter Eleven : 3 W. 4, cap. 11,

An Act passed in the Sixth Year of the same Reign, Chapter Four : 6 W. 4, cap. 4,

An Act passed in the Seventh Year of the same Reign, Chapter Eleven : 7 W. 4, cap. 11,

An Act passed in the Third Year of the Reign of Her present Majesty Queen Victoria, Chapter Eighteen : 3 Vic., cap. 18,

An Act passed in the Seventh Year of the Reign of Her present Majesty, Chapter Two : 7 Vic., cap. 2,

An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter Seven : 8 Vic., cap. 7,

An Act made and passed in the Ninth Year of the Reign of Her present Majesty, Chapter Seven : 9 Vic., cap. 7,

An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Thirty : 11 Vic., cap. 30

Also, an Act passed in the Fifteenth Year of 15 Vic., cap. 8,

the Reign of Her present Majesty, Chapter Eight, intituled *An Act relating to the Recovery of Small Debts, and to repeal certain Acts therein mentioned*, except certain parts thereof hereinafter excepted :

and also

16 Vic., cap. 1.

And An Act passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter One :—bc, and the same are hereby severally and respectively repealed—save for the purposes hereinafter in the Forty-second Section of this Act mentioned.

Not more than seven Small Debt Courts to be constituted in each County.

Courts where to be held, and on what days of the month they shall hold their sittings.

Three Commissioners to be appointed for each Court.

Jurisdiction of Courts.

Two Commissioners in the absence of the third to call in Commissioner of any other Court, or a Justice of the Peace for the County to adjudicate upon cases to be tried at such sitting.

II. When and so soon as this Act shall go into operation, it shall and may be lawful for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Executive Council of this Island, to constitute and appoint within each of the Counties of this Island, not more than Seven Courts, for the recovery of Small Debts, and to declare by and with the consent aforesaid, where and in what part of each County the said Courts shall respectively be holden, and also on what days of each month the said Courts shall respectively hold their sittings (so as the several Courts in each County may sit on different days), and to appoint to each Court three Judges or Commissioners to adjudicate in each Court, each Court to have jurisdiction only within the County in which it is held, except in the cases hereinafter mentioned : Provided always, that if, by reason of sickness or other unavoidable cause, not more than two Commissioners shall be present on any day appointed for the hearing of cases in any of the said Courts of Commissioners, it shall be the duty of the two Commissioners present, and they are hereby required to call in the aid of a Commissioner of any other of the Courts appointed under this Act, or of any Justice of the

Peace for the County wherein such Court shall be held, and the two Commissioners present, together with such other Commissioner or Justice of the Peace as aforesaid, shall have the power fully to adjudicate upon all cases to be heard at such sitting; and the proportion of all fees to which the Commissioner so absent as aforesaid, if presiding, would be entitled, shall be paid to the Justice of the Peace or Commissioner so acting in his stead: Provided also, that where any two of the Commissioners of any such Court shall be absent, by reason of any such cause as aforesaid, it shall and may be lawful for the Commissioner present to adjourn the Court, or for the Clerk of the Court so to do where all the Commissioners shall be absent for any such cause as aforesaid.

Proportion of fees to be paid to Commissioner or Justice so called in.

Adjournments how made.

III. In addition to the said Courts, it shall be lawful for the Lieutenant Governor of this Island for the time being, by and with the consent and advice of Her Majesty's Executive Council thereof, to constitute one other Court for the recovery of Small Debts in Queen's County, to hold its sittings in Charlottetown, and to appoint to such last mentioned Court five Commissioners, to adjudicate therein, any three of whom shall be a Quorum; such Court to have jurisdiction within Queen's County only, except in cases hereinafter mentioned.

One additional Court to be constituted for Queen's County.

Sittings where to be held, &c.

Quorum.

Jurisdiction.

IV. Each Commissioner of Small Debts to be appointed under the authority of this Act, shall, before he shall exercise any of the duties belonging to his Office, take the Oath following before one of the Judges of the Supreme Court, or a Commissioner for taking affidavits therein, and it shall be the duty of the Judge or Commissioner taking any such affidavit, to cause the same to be filed in the Office of the Prothonotary of

Commissioner to take oath before executing duties of office.

Oath to be

filed in Prothonotary's office, &c.

Certified copy of oath to be produced in the Court to which Commissioner is appointed.

Form of Oath.

the Supreme Court ; or if in King's or Prince County, in the Office of the Deputy Prothonotary thereof, and shall also grant a certificate to such Commissioner of his having been sworn, which certificate shall be produced, recorded, and filed in the Court to which said Commissioner is appointed, before he will be allowed to adjudicate therein :

"I, *A. B.*, do Swear that I will, to the best of my Judgment, faithfully discharge the Duties of a Commissioner of Small Debts, for the time I may be continued in Office, according to Law and Equity, without fear, favor, or affection.

"So help me GOD."

Sittings of the Court when and where to be held, &c.

Court may adjudicate on all cases not exceeding £20, exclusive of interest, at its monthly sittings.

V. Each of the said Courts shall hold its sittings at the place where the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, shall appoint the same to be held as aforesaid (except for the hearing of cases of Summary Capias hereinafter mentioned) once in every Calendar Month, on such day as shall in manner hereinbefore set forth, be appointed by the Lieutenant Governor and Council for that purpose, and shall sit for as many days after each day of meeting in each Month respectively, by adjournment, as may be necessary, to judge and finally determine the actions therein pending ; and at each and every of such Monthly Sittings in each and every year shall and may try all actions whereof they may have jurisdiction under this Act, wherein the Debt or Damage claimed does not exceed the sum of Twenty Pounds, exclusive of any interest that may have become due on the principal Debt, not exceeding six years' interest.

Commissioners to appoint

VI. Each Court of Commissioners to be constituted under this Act is hereby authorized and



required to appoint a Clerk resident at or near to the place where the Court shall hold its sittings, to assist in the management of the business thereof, for whose acts the Commissioners making the appointment shall at all times be responsible; which Clerk, when duly appointed and sworn into office, shall have full power and authority, under the directions of the said Court, to issue Processes, administer Oaths, and execute Papers of Appeal, Recognizances, and such other Papers as may be required to carry out the intentions of this Act in all matters appertaining to the Court to which he may have been appointed; and for his services he shall be allowed such Fees as are set forth in the Table of Fees to this Act annexed; and each Clerk so appointed shall and is hereby required to keep a Book or Books, wherein he shall enter and record the names of the parties Plaintiff and Defendant in each suit before the said Court, and the progress of each case from time to time, and the proceedings taken therein from its commencement to its final determination, as also the several Orders, and Judgments, and Executions that the said Court shall or may make thereon in pursuance of this Act, and of all other proceedings of the said Court, so that a complete Record thereof shall be kept; and the said Clerk shall also take charge of and shall keep an account in the said Book or Books of all Court Fees or Fines, payable or paid into Court, and Fees paid or payable to Bailiffs and other Officers of the said Court, and of all moneys paid into or out of Court; and each and every Clerk as aforesaid neglecting to keep such Book or Books, shall forfeit a sum not exceeding Twenty Pounds to the person who shall be thereby aggrieved; the same to be recovered by action of Debt in Her Majesty's Supreme Court of Judicature.

Clerks for their Courts.

Commissioners responsible for acts of Clerks.

Clerks to be sworn.

Power of Clerks.

Clerk's fees.

Further duty of Clerks.

Penalty on Clerks neglecting to keep books.

Mode of recovering penalty.

Jurisdiction of Courts.

Cases in which Court shall have no jurisdiction.

Saves the right in certain cases where disability exists.

Where dealings exceed £20 no jurisdiction allowed, unless balance acknowledged not exceeding £20.

VII. The said Courts shall have jurisdiction in matters of Debt and Trover for the recovery of sums not exceeding Twenty Pounds, exclusive of any interest that may have become due on the Principal Debt, not exceeding six years' interest, but not in any action brought for the recovery of any sum arising upon any contract or case where the Title to Real Estate or Boundary Lines must be adjudicated upon, nor to any sum won by means of any wager or gaming, nor to any Penalty incurred by any Act of this Island, unless so directed by any such Act, nor to any Debt whereof there has not been a Contract undertaking or promise to pay within six years before the commencement of the action; if, in the last mentioned case, the Defendant shall plead the same: Provided always, that if, at the period when a right of action shall accrue to any person by virtue of this Act, either of the parties to such action be absent in any of the neighboring Provinces, or in any other parts beyond the seas, or shall be a married woman, or a person of unsound mind, then each and every person entitled to bring any such action shall and may nevertheless commence the same at any period within twelve months next after the termination or removal of any such disability as aforesaid: Provided further that where the accounts or dealings between any such parties shall have exceeded Twenty Pounds, no jurisdiction therein shall be allowed to said Courts, unless a settlement of such accounts or dealings shall have taken place and a Balance, not exceeding Twenty Pounds, have been struck and acknowledged under the hand of the party to be charged therewith.

VIII. And whereas, it is desirable and just that questions between Landlord and Tenant

on Contracts for the payment of Rent or otherwise, should, as much as possible, be excluded from the jurisdiction of the Courts to be constituted under this Act, wherein neither the Landlord nor the Tenant can have the advantage of having his cause submitted to a Jury of the country: Be it therefore enacted, That no action or suit, except the same commences by *capias* as hereinafter mentioned for any sum for rent due upon any Lease, or demise, or agreement for a Lease or demise of any Lands, Houses, Tenements, or Hereditaments in this Island, whereof the area shall exceed one acre of Land, whether in writing or by parol, or for rent due as between Landlord and Tenant, in respect of the occupation of any such Lands, Houses, Tenements, or Hereditaments, shall be commenced in any Court to be constituted under this Act, unless the sum or amount demanded cannot in any way be made the subject of a Distress, or is recoverable thereby, or unless at the time of the commencement of such action, or at some time within seven days previous thereto, there shall not be or have been upon the premises in respect to which the rent or sum is claimed or has accrued due, sufficient Distress to countervail the rent or sum so claimed; or if more than half a year's rent be claimed, a sufficient Distress to countervail half a year's arrears of the rent or sum so claimed, nor unless the person or persons desiring to sue out a Summons for such rent or sum claimed, or his or their Agent shall, previously thereto, make and subscribe an Affidavit in the form prescribed in the Schedule to this Act annexed, marked (A), in the presence of and before the Clerk of the Court out of which the Summons may issue, in addition to any other Affidavit which may be otherwise required by this Act;

No action for rent to be commenced in such Courts, except in certain cases.

Affidavit to be taken by person suing for rent.

Evidence re-  
quired of the  
truth of such  
affidavit.

If found incor-  
rect or untrue,  
Plaintiff to be  
non-suited, &c.

and it shall be incumbent upon the Plaintiff or Plaintiffs in any such last mentioned suits upon the Trial thereof, to give evidence of the truth and correctness of such Affidavit; and if it shall appear that the material averments contained therein are incorrect or untrue, it shall be lawful for the Court before which the same shall be heard, and it is hereby required, to give judgment of nonsuit against the Plaintiff or Plaintiffs, with costs to the Defendant, sustained by reason thereof.

Actions, how  
commenced.

Form of pro-  
ceeding.

Mode of service  
of summons.

IX. In all actions brought before any Court as aforesaid, the proceedings shall commence, (except as hereinafter mentioned), by Summons according to the form in the Schedule to this Act annexed, marked (B), in which shall be stated separately the original Debt as the immediate cause of action, and the amount of interest (if any) sought to be recovered therewith, under the hand and seal of the Clerk, which Summons shall be served by any Constable or Bailiff of the Court out of which it issues, appointed as hereinafter mentioned, eight days before the day named for Trial, (exclusive of the day of service) and such service shall be, by delivering the same to the Defendant in person, or in case he cannot be found, then to the wife, child, or other person belonging to him at his known place of abode (provided such child or other person be sixteen years old or upwards), and at the time of delivering the said Summons shall inform him or her to whom it shall be delivered, of the meaning or purport thereof; and if the Defendant be an inmate or lodger, and cannot be found, or shall endeavor to evade service, the service of the Summons shall be valid by delivering it to any person of discretion as aforesaid, at the house or place where the Defendant

lodges or resides, and at the same time telling him or her the meaning or purport thereof.

X. If any person residing in this Island shall be served with a Subpœna, in the form in the Schedule to this Act annexed, marked (C), under the hand and seal of the Clerk of any Court constituted under the authority of this Act, requiring him at a certain time therein mentioned, to give evidence between the parties in any Suit in any of the said Courts, and at the same time shall have his mileage tendered to him, and shall thereafter neglect or refuse to appear as in such Subpœna required, and due proof having been made of the service thereof, and of such tender of mileage, and no cause of absence having been shown to the satisfaction of the Court, and Oath having been made before it by the party at whose instance the said Subpœna issued, that the person served therewith was a material witness in the suit, and it being also proved, to the satisfaction of the Court, that damage had been sustained from the non-attendance of such witness, then it shall and may be lawful for the said Court to give judgment against such person so neglecting or refusing to attend as aforesaid, for the amount of Damages so sustained, not exceeding Twenty Pounds, together with costs; and to order Execution against the said offender, as in other cases after judgment, as hereinafter directed, which Damages, when recovered, shall be paid over to the party aggrieved by the said neglect or refusal.

Attendance of Witnesses, how secured.

Neglect or refusal to obey Subpœna, how punished.

Judgment to be given against offender.

Execution to issue, &c.

Damages to be paid to party aggrieved.

XI. For the better discovery of the Truth, and for the more solemn determination of all matters and cases pending in any Court constituted under this Act, on the hearing or Trial of any action, or on any other proceeding under this

Parties to the Suit and other persons to be examined on oath or affirmation.

Act, in any such Court, the parties thereto, and all other persons may be examined either by or on behalf of the Plaintiff, or by or on behalf of the Defendant, upon Oath, (or solemn affirmation in those cases in which persons are, by Law, allowed to make affirmation instead of taking an Oath) to be administered by the Court, or by the proper Officer thereof.

Hearing of Suits to be deferred until the next sitting of Court on application therefor by either party.

XII. If any Court constituted under this Act shall be applied to by or on behalf of either party in a suit pending in such Court to defer the same, on the grounds that he is not ready or prepared for Trial, or requires further time therefor, to procure the attendance of Witnesses, and the party so applying shall support the same by Affidavit of the truth thereof, and that such application is not made for the purpose of defeating the ends of justice, then it shall be the duty of such Court, and it is hereby required thereupon to defer the hearing of the suit until the next sitting of the Court for the Trial of suits of the same description: Provided always, that it shall not be compulsory upon such Court to make more than one postponement of the hearing of such suit.

Privilege not to exempt persons from being proceeded against under this Act except as herein set forth.

XIII. No privilege, or pretended privilege, shall be allowed to exempt any person whomsoever from being proceeded against by virtue of this Act for the recovery of any Debt or Demand due from him to any other person or persons, save and except privileges of Parliament and of Members of the Bar during the sitting of the Supreme Court.

Clerk of Court may receive confession of debt, &c.

XIV. After the issuing of any Summons, the Clerk issuing the same shall have full power and authority to receive and take from the Defendant a Confession of the Debt or demand for

which he may have been sued, at any time before the cause shall be called on in Court for Trial; which said confession, entered in writing and signed by the Clerk, shall be conclusive against the said Defendant and be made a Judgment of the said Court, in which case, it shall be the duty of the Defendant in such suit to give notice thereof forthwith to the Plaintiff.

Notice thereof to be given to Plaintiff.

XV. If any Defendant duly summoned as aforesaid do not appear before the Court at the time and place required by the said summons, and no just cause for such non-appearance be shewn to the satisfaction of the said Court, and if the Plaintiff shall duly appear, then it shall and may be lawful for the said Court, after proof of the due service of the said summons, upon Oath of the Constable who shall have served the same, to hear the cause on the part of the Plaintiff only, and to make such order or Judgment, together with Costs, as to it shall seem most agreeable to Law, Equity and good conscience, and as if the said Defendant had duly appeared: Provided always, that if, within six days after such Judgment shall have been given as aforesaid, the Defendant shall make special affidavit before the Clerk, setting forth that he was precluded from attending said Court at the return of said summons by sickness or other good cause, specified to the satisfaction of any two of the Commissioners who tried the cause, and shall cause to be given a Recognizance in the form prescribed in the Schedule to this Act annexed, marked number (1), then it shall be the duty of such Commissioners to grant to the Defendant a rehearing of such cause at the next sitting of the said Court.

Defendant not appearing, Court may hear cause on part of Plaintiff.

Proviso for rehearing in case Defendant precluded from attending Court in consequence of sickness, &c.

XVI. If upon the day of the return of any Summons the Plaintiff therein named shall not

Plaintiff not appearing, &c.

or becoming non-suited, Court may award costs, &c., to Defendant and his Witnesses.

Mode of recovery thereof.

Defendant entitled to travelling fees, &c., in cases of adjourned hearings, when judgment shall be given against Plaintiff.

Witnesses' costs, how paid.

Proviso for an appeal.

Court may apportion costs or order Plaintiff to pay the same in certain cases.

appear, without some just cause to be allowed by the Court, or upon hearing, shall not make proof of his demand to the satisfaction of the Court, but shall become nonsuit, it shall and may be lawful for the said Court to award to the Defendant and his Witnesses, costs and travelling expenses, as allowed by this Act, and to issue Execution against the said Plaintiff for the recovery of the same in the manner herein after prescribed: Provided, nevertheless, that in all cases of adjourned hearings, when judgment shall be ultimately given against the Plaintiff, the Defendant shall be entitled to receive the same Costs for travelling, and for each attendance, if more than one, as are by this Act allowed to Witnesses.

XVII. It shall be lawful for the said Courts to order and direct that the Costs and Charges of either party to a Suit shall be paid by the other, or apportioned between them, as they in their discretion shall deem just and equitable— Provided always, that an appeal from such decision shall be allowed to either party, in manner herein after provided by the twenty-eighth Section of this Act.

XVIII. If on the hearing of any suit before any Court as aforesaid, it shall be proved that the Defendant had never before the issuing of the Summons been furnished with an account of the Plaintiff's demand, and that the said account had been by the Defendant demanded of the Plaintiff at his place of residence, but that the action was vexatiously brought, then it shall and may be lawful for the said Court to give judgment only for such sum as is sufficiently proved to be due on either side, with, or without, or subject to Costs, as provided in the seventeenth Section of this Act.



**XIX.** In any case where wages, not exceeding the sum of Twenty Pounds, shall be due to any domestic or other servant, under the age of Twenty-one years, neither of whose parents reside within this Island, it shall be lawful for the said servant to sue for and recover the said wages before any of the said Courts, in the same manner as if he or she were of full age; and the said Courts are hereby fully authorized and required to take cognizance of and proceed concerning the same, in the same manner in regard thereto as if the Plaintiff were of full age

Wages of servants under 21 years of age, when amount does not exceed £20, how recovered.

**XX.** In all cases where a Minor shall be hired as a domestic or other servant, by or with the consent of the Parent or Guardian, any advances or payments made for requisite clothing or other necessaries to such Minor shall be allowed to the Master of the said Minor, on account of or by way of set-off to the wages of said Minor, in any action brought for the recovery thereof by the Parent or Guardian.

Advances made to a Minor hired as a domestic servant, &c., to be allowed to master by way of set-off to wages.

**XXI.** On any Trial, the Defendant shall be allowed to set off any account or demand which he may have against the Plaintiff, for which, if not exceeding Twenty Pounds, the Court may determine and give Judgment; and if the Court shall find that the Plaintiff is indebted to the Defendant, Judgment shall be rendered in favor of the Defendant for the amount found due, with costs; but if the amount of the Defendant's set-off shall exceed the sum of Twenty Pounds, the Court shall proceed to hear evidence in support thereof; and if they shall find that such set-off is *bona fide* and good, and that the Plaintiff is indebted to the Defendant, then the Court shall dismiss the Plaintiff's case and give Judgment thereupon for the payment of Defendant's costs by the Plaintiff.

Defendant may make set-off, if not exceeding £20.

Judgment may be rendered in favor of the Defendant:

Defendant's set-off exceeding £20, Court may hear evidence, dismiss Plaintiff's case, and give judgment for Defendant's costs, &c.

Defendant refusing to make set-off on trial, precluded from recovering same.

**XXII.** If any Defendant refuse or neglect to bring forward his set-off (if any such there be) against the Plaintiff at the time of Trial, he shall ever after be precluded from recovering the same; and if any suit for the recovery thereof be brought, it shall be a sufficient defence on the Trial thereof that the demand sued for could have been on a former trial set-off and recovered. Provided always that nothing herein contained shall extend, or be construed to extend, to prevent any Defendant from sustaining his action when it shall be made to appear to the satisfaction of the Court that from some unavoidable circumstance he was precluded from proving his set-off on the former Trial.

Unless prevented from doing so by unavoidable circumstances.

There may be indulgence granted to defendant to satisfy judgment.

**XXIII.** If any Defendant against whom any Judgment shall be given, shall appear to the Court who shall have given the same to be deserving of indulgence, then and in such case the said Court is hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable, or order the same to be paid by instalments, if the Court shall see fit: Provided the time so granted shall not exceed three months in cases where the Judgment shall not exceed Eight pounds, and four months in cases where the Judgment shall exceed Eight Pounds—said indulgence to be computed from the day of the Return of the Summons; and provided also that the said Defendant so indulged shall within such time as the Court may order give sufficient security, by recognizance, in the form prescribed in the schedule to this Act annexed marked (D), to pay the amount of the Judgment within the time limited therefor.

Indulgence to be so given.

Defendant to give security for payment within time limited.

Form of recognizance.

Mode of proceeding where amount of judgment

**XXIV.** If the amount of the Judgment shall not be paid at the expiration of the time so granted, then the Party entitled to recover shall

have Execution against the principal named and Sureties in such recognizance, as in other cases after judgment—provided such Sureties have ten days' notice previous to the issuing of such Execution, such notice to be issued by the Clerk of the said Court, and proof of service thereof on said Sureties to be made before the same shall be issued.

ment shall not be paid.

**XXV.** Every Bailiff, Constable, or Officer executing any Process of Execution issuing out of any Court under this Act against the Goods and Chattels of any person, may by virtue thereof seize and take any of the Goods and Chattels of such person (excepting the wearing apparel and bedding of such person or his family, and the tools and implements of his trade to the value of Five Pounds, which shall to that extent be protected from such seizure,) and may also seize any money and Bank Notes, (whether of the Bank of England or any other Bank,) Treasury or Government Notes or Securities (whether of Prince Edward Island or any other Government,) and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties or Securities for money belonging to any such person against whom any such Execution shall have issued as aforesaid.

Power of Bailiffs, Constables, &c.

**XXVI.** The Clerk of the Court out of which any such Execution shall have issued, shall hold any Cheques, Bills of Exchange, Promissory Notes, Bond, Specialties, or other Securities for money which shall have been so seized, or taken as aforesaid, (and which shall be delivered over to him by the Constable or Bailiff making such seizure thereof,) as a Security or Securities for the amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised for the benefit

Clerk of Court to hold cheques, &c., signed by Constable or Bailiff, as security for amount not otherwise levied or raised.

Plaintiff may sue in name of Defendant, &c., for sums made payable thereby.

of the Plaintiff, and the Plaintiff may sue in the name of the Defendant, or in the name of any person in whose name the Defendant might have sued for the recovery of the sum or sums secured or made payable thereby when the time of payment thereof shall have arrived.

Court with consent of both parties may order suit to be referred to arbitration of such parties as Court think just, &c.

**XXVII.** Any Court to be constituted under this Act, may, in any case, with the consent of both parties to the Suit, order the same, with or without other matters, within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner and on such terms as the Court shall think just and reasonable; and such reference shall not be revocable by either party, except by consent of the Court; and the award of the Arbitrator or Arbitrators, or Umpire, shall be entered as the Judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Court: Provided nevertheless, that the same right of appeal from any Judgment to be entered on any such award shall be had by the Plaintiff or Defendant in any Suit referred under the provisions of this clause as in other cases under this Act.

Such reference not recoverable by either party without consent of Court.

Award of Arbitrators to be entered as the judgment in the cause.

Reserves right of appeal to either party.

Person aggrieved by any order or judgment of Court may appeal to Supreme Court.

Appeal to be applied for within six days after judgment.

Mode of procedure on such appeal.

**XXVIII.** If any person shall consider himself aggrieved by any order or Judgment of any of the said Courts, he shall be at liberty to appeal to the then next sitting of Her Majesty's Supreme Court of Judicature, to be holden in the County where such Court is situated: Provided always that such appeal shall be applied for within six clear days next after the day of giving the said Order or Judgment, and the Clerk, on application, is hereby required to enter such application, and provided also that the party or his agent applying for the same shall, before the expiration of the said six days,

by himself or his agent, enter into **Recognizance** with two sufficient **Sureties**, in the form in the **Schedule** to this Act annexed, marked (E.), conditioned as therein set forth, to abide the determination or **Judgment** of the said **Supreme Court**, which condition shall be read over to or repeated by the parties entering into the said **Recognizance** before signing the same, and shall be attested by the **Clerk**, and by him transmitted to the **Supreme Court** as hereinafter provided for; and the party or his agent shall also make and subscribe an **Affidavit** in the form or to the purport and effect (being altered so as to meet the particular circumstances of the case) prescribed in the **Schedule** to this Act annexed, marked (F), in the presence of the said **Clerk**: **Provided** further that where the then next **Term** of the said **Supreme Court** for the **County** shall commence within ten days next after the granting of any such **Appeal**, then and in such case such **Appeal** shall be granted to the then next succeeding **Term** of the said **Supreme Court**, to be holden in said **County**.

Form of recognizance.

Form of Affidavit.

Proviso as to the term to which appeal shall be granted.

**XXIX.** The **Appellant** or his agent shall also cause to be duly served upon the party **Respondent**, or his **Agent**, ten clear days at least before the sitting of the **Supreme Court**, at which the said **Appeal** shall be heard, a written notice of **Appeal** which in substance shall be as in the form prescribed in the **Schedule** to this Act annexed, marked (G).

Notice of appeal to be given to Party Respondent.

Form of notice.

**XXX.** The said **Clerk** is hereby required to file the said **Affidavit**, with the **Recognizance** and other papers connected with the said **Appeal**, and to transmit the same into the **Office** of the **Clerk** of the said **Supreme Court**, at **Charlottetown**, within at least four days before the sitting thereof, under a **Penalty** for each and

Affidavit, &c., to be filed in the office of the Clerk of the Supreme Court.

Penalty for neglect.

every neglect, of the sum of Five Pounds to the person aggrieved thereby, to be recovered in the said Supreme Court.

The Supreme Court may cause all defects of form in original order or judgment to be rectified, &c.

**XXXI.** The said Supreme Court of Judicature is hereby empowered and required, upon any appeal made as aforesaid, to cause all defects in form that may appear in the original Order or Judgment, to be rectified and amended, without costs or expense to the party concerned; and after such amendment shall have been made, to proceed to hear, examine and consider the truth and merits of all matters concerning the said Appeal and the Original Order or Judgment appealed from; and likewise to examine all witnesses and parties, upon Oath, and to hear all other proofs relating thereto, and to make such final determination thereupon, as shall appear just and reasonable.

and may proceed to hear and determine appeal.

Judgment how to be given and costs awarded.

**XXXII.** If, by the consideration of the said Supreme Court the original Order or Judgment shall be affirmed, and the Appeal therefrom dismissed, if against the original Defendant, then the said Supreme Court shall adjudge the sum or sums awarded to the original Plaintiff to be paid to him, together with the Costs allowed by the Court of Commissioners, as also the full costs of defending against the said Appeal.

If Court affirms the judgment against the original Plaintiff, then the Court shall adjudge the sum awarded below with full costs.

**XXXIII.** If the said Supreme Court shall affirm the Order or Judgment, when against the original Plaintiff, and dismiss his Appeal, then the said Supreme Court shall adjudge the sum or sums so awarded to the original Defendant to be paid to him, together with the full costs of defending against the said Appeal.

If Court affirms judgment of Court below

**XXXIV.** If the said Supreme Court shall affirm the Judgment or Order of the Court below, when in favor of the Plaintiff therein, in

cases where the Plaintiff himself is the Appellant, and dismiss the Appeal, then the said Supreme Court shall award to the Defendant the full costs of defending against the Appeal, and the same shall be set off against the Judgment and costs below; and if the costs of the Appeal amount to more than the Judgment and costs below, then Execution may be issued out of the said Supreme Court against the Appellant for the excess; but if the Judgment below and the costs amount to more than the costs of defending the Appeal, then Execution may issue out of the Commissioners' Court against the Respondent for the excess thereof.

XXXV. If the said Supreme Court upon a full hearing of any such appeal as aforesaid shall set aside or vary the order or Judgment of the Court of Commissioners, then it shall and may be lawful for the said Supreme Court to grant costs, or any part thereof, to, or withhold the same from, the Appellant; and upon all final determinations or judgments, execution is hereby directed to be issued from the said Supreme Court for the sum or sums so recovered; and in case such final determination or judgment of the Supreme Court shall happen to be in favor of the Respondent, then he may have Execution against the Appellant, and his Goods and Chattels; or in the event of a breach of the condition of their Recognizance, then against the Sureties and their Goods and Chattels: Provided always that Execution shall not in any case issue against the persons or property of any such Sureties, unless the amount of the Judgment and costs shall have been demanded of them by some person duly authorized, at least ten clear days before issuing of such Execution against them; nor unless a written notice shortly specifying the

when in favor of Plaintiff, where Plaintiff is Appellant, and dismiss the Appeal, Defendant to be entitled to full costs.

Mode of proceeding where costs exceed costs and judgment below.

Mode of proceeding where judgment and costs below exceed costs of defending Appeal.

Supreme Court may order costs to Appellant or withhold them in certain cases.

Executions in all final determinations to issue out of Supreme Court.

Mode of procedure when final determination shall be in favor of Respondent.

No execution to issue against Sureties until certain formalities have been complied with.

Travelling expenses for making demand or Sureties, and fee for making and filing affidavit of demand.

breach or breaches made of the condition of their Recognizance, and on account of which such demand is made, shall at the time of making the demand, be served on the Sureties personally, or in like manner as Summonses are prescribed to be served by this Act; nor until the Affidavit of the facts of such demand having been duly made, and such notice at the same time been duly given, be filed with the Prothonotary of the said Supreme Court, or with his Deputy in the County; and the party making the demand, or causing the same to be made, shall be entitled to charge therefor, and to levy under any Execution to be issued, the same mileage as Constables or Bailiffs may by this Act receive, together with Two Shillings and Sixpence for making and filing the said Affidavit of such demand, and notice having been duly made and given.

Justices may apply to a Judge of the Supreme Court who shall make such order therein as may seem just and equitable.

**XXXVI.** If any such Sureties shall contend that no breach has been made of the condition of their Recognizance, they, or either of them, may at any time within the said ten clear days after such demand made, and notice given, apply to a Judge of the Supreme Court in vacation, or to the said Court in Term time, who, on hearing them, and also the Respondent, on Affidavits, may make such order therein respecting the issuing of any Execution, or withholding or suspending the same, with or without costs of the application, as to such Judge or Court shall seem just and equitable.

The fees of a Witness who has been examined in the Supreme Court, but not in the Court below, only to be al-

**XXXVII.** Whenever any Witness or Witnesses shall be examined, or Subpœnaed to be examined in the Supreme Court, on the hearing of any appeal, and such Witness or Witnesses shall not have been examined or tendered to be examined in the lower Court on the hearing of



the Cause appealed from, the Costs of such Witness or Witnesses shall not be taxed or allowed to the party claiming the same, unless it shall appear on Affidavit to the satisfaction of the Judge or Officer called upon to tax such costs, that some unavoidable cause or circumstance had prevented such party from procuring the attendance of such Witness or Witnesses, on the hearing of the said cause in the said lower Court.

allowed in certain cases.

**XXXVIII.** In case there be no application for an appeal as aforesaid, or the party applying for the same shall not enter into the Recognizance and make the said Affidavit as before directed within the time aforesaid, or that there be no indulgence granted as aforesaid, then it shall be lawful for the Clerk of the Court which gave the Judgment to issue Execution, in the form prescribed in the Schedule to this Act annexed, marked (I), upon the request, either verbally or in writing, of the party entitled to the same; and the Constable or Bailiff who shall be by him intrusted with the Execution shall be and he is hereby required, after having given at least six days' notice in at least three public places, to levy by Distress and Public Sale of the Goods and Chattels of the Debtor the sum of money mentioned in the Writ of Execution, with poundage, when the same are sold, and other Fees allowed by this Act in such cases.

In what cases it shall be lawful to issue Execution.

Form of Execution.

Mode of procedure under Execution.

**XXXIX.** In all cases where Execution shall issue in Actions to be commenced after the first day of April, one thousand eight hundred and sixty-one, and sufficient Goods and Chattels whereon to levy shall not be found, and where the levy marked on said Execution shall exceed the sum of Ten pounds, then and in such case only the said Constable is hereby authorized and

After Execution issued in actions commenced after 1st day of April, 1861, no arrest of the body of the debtor unless the levy marked on Execu-

tion exceeds  
ten pounds.

Terms of im-  
prisonment.

After such im-  
prisonment,  
debtor freed  
from arrest and  
from £10 of the  
debt and costs.

Goods and  
chattels of  
debtor still  
liable to be  
taken in Exe-  
cution for bal-  
ance of debt  
and costs.

Plaintiff entitl-  
ed at any time  
to take out Exe-  
cution for  
such amount.

Person of debt-  
or to be free  
from arrest in  
such cases.

required to arrest the **Body** of the **Debtor** and take him to the **Common Jail** in the **County** wherein he shall be arrested, there to remain, if the amount of levy shall not exceed **Twelve Pounds**, for the space of eight months; and if above **Twelve Pounds**, and not exceeding **Fourteen Pounds**, for the space of nine months; and if above **Fourteen Pounds**, and not exceeding **Sixteen Pounds**, for the space of ten months; and if above **Sixteen Pounds**, and not exceeding **Eighteen Pounds** for the space of eleven months, and if above **Eighteen Pounds** for the space of twelve months, (each of said imprisonments to be computed from the day on which the **Debtor** was first committed); and after enduring any of the said **Terms of Imprisonment** the **Person** of the **Debtor** shall be freed and discharged from **Prison**, and also from **Ten Pounds** of the **Debt** and **Costs** for which such imprisonment has taken place; but, nevertheless, the **Goods** and **Chattels** of such **Debtor**, whether acquired before or after his discharge from imprisonment, shall still remain liable to be taken in **Execution** for the balance or surplus of the **Debt**, over the sum of **Ten pounds** so discharged as aforesaid, and **Costs**; and the **Plaintiff** in any such last mentioned case shall be entitled at any time thereafter to take out **Execution** or *alias* **Execution** against the **Goods** and **Chattels** of the **Defendant** for the amount of such balance or surplus and **Costs**, so always that the **Person** of any such **Debtor** or **Defendant** so having suffered the imprisonment commensurate with his debt as aforesaid shall be freed and discharged from arrest upon the **Judgment** under which he has suffered imprisonment, or in any action or proceeding upon such **Judgment**.

**XL.** Whenever any Goods or Chattels shall be levied on by any Constable or Bailiff under any Execution issued from any Court appointed under this Act, and the Owner thereof shall be desirous of retaining the care and possession of the same until the time appointed for the sale thereof, it shall be lawful for the said Constable or Bailiff to take from such Owner, and one good and sufficient surety to be joined with him therein, a Bond or undertaking for the forthcoming of such Goods and Chattels in good order and condition at the time appointed for the sale thereof, and which Bond or undertaking shall be in the form prescribed in the Schedule to this Act annexed marked (H), and upon the execution and delivery of such Bond the said Constable or Bailiff shall and may commit to the custody and care of the said Owner thereof the Goods and Chattels so levied upon: Provided always, that the said Constable or Bailiff shall nevertheless be responsible for any loss or damage arising from the breach of any such Bond.

Constable levying an Execution may permit owner of goods or chattels to remain in possession of same until day of sale, upon signing a bond with one surety for forthcoming thereof.

**XLI.** From and after the first day of April, which will be in the year of our Lord, one thousand eight hundred and sixty-one, no person save and except a person arrested under Capias as hereinafter provided, shall be arrested, or committed to prison, or suffer imprisonment either on mesne or final process to be issued out of any of the said Commissioners' Courts to be constituted under this Act for any Debt already or hereafter to be contracted, or for any damages in Trover already or hereafter to be sustained, when the amount of such Debt or Damages, or the sum marked in the final Execution, together with the Costs thereof, shall not amount in the whole to more than the sum of Ten Pounds, unless the suit wherein such Execution shall issue

After 1st April, 1861, no person liable to arrest, except under Capias as hereinafter provided, where debt, &c., does not exceed £10.

shall have been commenced before the said first day of April in the year of our Lord one thousand eight hundred and sixty-one.

Process issued before 1st April, 1861, to arrest any person shall be sued forth subject to such rules, &c., as if this Act had not been passed.

**XLII.** In all cases where it shall become necessary to proceed to arrest the body of any person by virtue of any mesne or final process, to be issued out of any of the said Courts constituted under this Act, in any action commenced before the said first day of April, One thousand eight hundred and sixty-one, every suitor or person entitled to issue or proceed with any such process shall and may sue forth the same in such manner, for such purposes, with like effect, and subject to such rules and regulations as he might have done had this Act not been passed; and for such purposes, so much of the said recited Act of the Fifteenth Victoria, Chapter Eight, and of all other Acts in addition thereto, or amendment thereof, as authorizes the arrest or imprisonment of any person or persons upon any mesne or final process, shall remain and continue in force so long as it shall be necessary to finally prosecute and determine all such mesne or final process, which shall or may be sued forth in any action or actions as aforesaid, commenced before the said First day of April, One thousand Eight hundred and Sixty-one.

Execution issued in one County may run into County where debtor resides.

Mode of procedure in such cases.

**XLIII.** It shall and may be lawful for the usual Writ of Execution for the recovery of Small Debts, issued in one County, to run into another County, wherethe Debt or may reside, or where his Goods and Chattels may be found; and it shall be lawful for the Constable or Bailiff to execute such Execution within such County, and he is hereby authorized to convey the Debtor to the Jail, either of the County in which he may be found, or of the County in which the Creditor issuing the Execution may reside, at the option of such Creditor; and if

arrested on two or more Executions, then at the option of the Creditor whose levy shall be largest in amount; and the Keeper of the Jail of such County is hereby authorized and required to receive and take the Body of such Debtor into his custody,—anything in this Act contained to the contrary thereof notwithstanding.

**XLIV.** If any party who shall have obtained a Judgment in any of the Courts by this Act constituted, or in any Court or Courts that may have been constituted under any Act or Acts hereby repealed, shall have suffered, or shall suffer two years to elapse without having sued out Execution, or having sued out Execution, shall have allowed two years to elapse after the return thereof, without having sued out an *alias* or a *pluries* Execution, he shall be required to make an Affidavit before the Clerk of the said Court constituted under this Act, in or for the District where such Judgment shall have been given, stating if any and what sum or sums have been paid on said Judgment; after which he shall be at liberty to sue out Execution for the amount then remaining due and unpaid thereon: Provided that no Execution, or *alias* Execution, shall be issued on any Judgment heretofore recovered under any of the said recited Act or Acts hereby repealed, or which shall hereafter be recovered in any Court constituted under this Act, after the lapse of Twenty years from the date of such Judgment, or the return of the Execution, or last Execution issued thereon.

Party allowing two years to elapse without suing out Execution, &c., to make affidavit as to sums paid on judgment, &c.

No Execution, &c., to issue on any judgment after lapse of 20 years from date thereof, or return of last Execution.

**XLV.** When an Execution is intrusted to any Constable or Bailiff appointed to any Court constituted under this Act, such Constable or Bailiff shall return the same into the Court out of which it issued within the period therein

Constable to return Execution within the time named for the return of same.

named for making the Return, and deposit the same with the Clerk of such Court; or, in case of the Imprisonment of the Debtor thereunder, shall lodge with the Jailer particulars in writing of the cause of such imprisonment, and make a return in writing of proceedings on such Execution to the Clerk of the said Court forthwith.

In case of imprisonment of debtor, return how made.

Mode of proceeding when debtor is about leaving this Island.

Form of affidavit in such case.

**XLVI.** A party obtaining Judgment in any of the said Courts as aforesaid, and having reason to believe that the person against whom the same has been given is about to leave this Island, may demand execution forthwith, on an Affidavit by himself, or his agent, being made in the form in the Schedule to this Act annexed, marked (J).

Each Court to appoint not less than three Bailiffs.

Duties of Bailiffs so appointed.

Bailiffs to give bond, &c., for due performance of their duties, &c.

**XLVII.** It shall and may be lawful for, and it shall be the duty of each and every of the Courts of Commissioners for the Recovery of Small Debts to be constituted under this Act, to nominate and appoint a sufficient number of persons to be Bailiffs or Constables of such Court—not being less than three for each Court—to serve the processes and to enforce levy and carry out the orders, Judgments, Executions, and other proceedings of the Court; and it shall be required from every such Constable or Bailiff before entering upon the duties of his office, or being authorized to act in such capacity, to enter into a Bond, with two sufficient sureties, to our Sovereign Lady the Queen, her Heirs and Successors, for the due performance of the duties of his office, and for the due return of all writs or processes to him entrusted into the said Court, and for the due payment of all moneys coming into his hands by virtue of his said office, to the respective parties entitled thereto; or into the said Court at the respective returns of

the said writs; which Bond shall be in the form in the Schedule to this Act annexed, marked (K), and shall be in a penalty not exceeding one hundred pounds, nor less than twenty pounds, at the discretion of the said Court; and which Bond shall be deposited with the Clerk of such Commissioners' Court, and by him lodged in the office of the Prothonotary of the Supreme Court, or his Deputy, in the County wherein such Court may be situate.

Form of bond.

Penalty.

Bond to be deposited with Clerk of Commissioners Court, who shall lodge same in Prothonotary's office.

**XLVIII.** Each of said Courts shall at all times have the power of dismissing and discharging from further service in such Court, any Bailiff or Constable so appointed, and of appointing another person in his place; and any Constable or Bailiff so dismissed or discharged shall have power, and he is hereby authorized to perfect and complete any business in his hands which has been commenced and is not completed at the time of such discharge; and for the due and faithful exercise and performance of his duty therein, the said Bond shall, and it is hereby declared to be good and valid against such Constable or Bailiff, and his sureties, until such duties are fully and finally performed and discharged.

Courts may dismiss Bailiffs, &c., of such Courts, and appoint others in their stead.

Bailiffs, &c., so dismissed to perfect unfinished business in their hands,

Bond good until such duties are discharged.

**XLIX.** If any Constable or Bailiff shall suffer any prisoner in his custody, by virtue of an Execution issued under the authority of this Act, to escape either voluntarily or negligently, or who shall be shown to have neglected to apprehend any person against whom any such Execution has been placed in his hands, or who shall neglect or refuse without delay to pay over to the party entitled to receive the same any sum or sums of money levied or received thereon, on demand made within thirty days from the date of the Execution, shall be liable to pay

Constable, &c., suffering prisoner to escape, subject to a fine of £5.

Mode of re-  
covering fine,  
&c.

a fine of five pounds, over and above the full amount of the sum or amount of such Execution—to be recovered before the Court by which such Execution was issued, by Execution or Warrant of Distress of the said Bailiff's or Constable's goods and chattels; and if no sufficient distress of the said goods and chattels can be found whereon to levy the same (return thereof being made), then upon certificate of such return, under the hand of the Clerk of the Court; and upon Affidavit of demand having been made upon the sureties named in the said Bond, and filed with the Clerk of the Supreme Court, it shall and may be lawful, twenty days thereafter, for the said Clerk to issue Execution against the said sureties for the debt, penalty and costs of the said original Execution or Warrant of Distress against the said Constable or Bailiff, together with mileage for making such demand, and the fees of the said Clerk for taking such Affidavit and issuing such second Execution; and if no sufficient Goods be found to satisfy such Execution, then the said Court is hereby authorized to commit both the Constable or Bailiff and his sureties to the Common Jail of the County wherein such Court has jurisdiction for a period not exceeding six months

Constable, &c.,  
absconding, a  
summons may  
be issued in the  
name of the  
party aggrieved  
against the  
sureties of such  
Constable, &c.

L. In case any such Constable or Bailiff having given such Bond as aforesaid, shall abscond or be absent from the Island, so that no summons or other process can be legally served on him for any default or neglect of duty, or refusal to perform his duty under this Act, proof being made by Affidavit to the satisfaction of the Court to which he belongs, or any of the Commissioners thereof, that the said Constable or Bailiff is absconding, or absent from the Island, so that no summons can be legally



served on him, then and in such case it shall and may be lawful for such Court to issue a summons, in the name of the party aggrieved, against the surety or sureties of the said Constable or Bailiff in the said Bond, and to adjudicate against such surety or sureties, respecting any matter or claim arising out of the default or neglect of duty, or for every refusal of the said Constable or Bailiff to perform his duty, for which the surety or sureties is or are liable under the said Bond, and to issue Execution or other process against the said surety or sureties, as the said Court is or may be by law authorized to do in case the said Constable or Bailiff was not absconding, or absent as aforesaid, (and no sufficient Distress of his goods or chattels could be found) and in the event of the Plaintiff or Plaintiffs being nonsuited, or of a Judgment being given by the said Court in favor of the surety or sureties, the said Court is hereby authorized to issue Execution against him or them in favor of such surety or sureties, in the same way and manner as Execution can or may be issued against any Plaintiff and Defendant under this Act.

Mode of proceeding in case of non-suit.

LI. If any Constable or Bailiff who shall be charged with the service of any process issued by any Court constituted by this Act, and made returnable within a certain and defined period of time, shall neglect to serve or execute such process, or shall refuse or neglect to make due return thereof within the period prescribed therefor, it shall and may be lawful for the said Court to impose on such Bailiff or Constable a penalty not exceeding twenty shillings for the first offence, and a penalty not exceeding forty shillings for the second, and each subsequent offence, together with costs; and such

Constable, &c., neglecting to make due return, within prescribed period, how punished.

Penalty for 1st offence.

Penalty for subsequent offences.

Bailiff, &c.,  
liable to party  
aggrieved for  
loss sustained.

Bailiff or Constable shall also be liable to the party aggrieved for the amount of any loss sustained by such neglect or refusal.

Court may call  
for return of all  
convictions,  
&c., monthly.

LII. Each of the said Courts, at the monthly sitting thereof, shall have power to call for the return of all Convictions, Executions, and other processes returnable since the last sitting day of the said Court, and to proceed against the Constable or Bailiff to whom the same have been respectively intrusted for the neglect or refusal to return them, as by this Act is directed; and no Execution returned in the said Court shall be renewed, but in all cases where the same has not been satisfied, an *alias* Execution may be issued at the Plaintiff's or Defendant's (as the case may be) request for the amount due on the said Judgment.

No execution  
returned into  
Court shall be  
renewed; but  
an *alias* Execu-  
tion may be is-  
sued.

In case of re-  
moval, Bailiff,  
&c., to deliver  
to Clerk an ac-  
count of all  
business in his  
hands, &c.

LIII. If any Bailiff or Constable shall be removed by order of any such Court as aforesaid, he shall, within thirty days after such removal, deliver over to the Clerk of the Court to which he belongs, a true and faithful account of all business in his hands, together with all sums of money, papers, documents, books, and other things which he may have received on account of any process or Execution with which he may have been intrusted; and if such Bailiff or Constable so removed, shall fail to make such delivery over, within the time aforesaid, he shall forfeit and pay to each party thereby aggrieved, a fine or penalty of five pounds, over and above the amount of all sums due from him, and all papers, books, and documents, or other things retained, or the value thereof.

Penalty for  
such neglect.

Suits against  
Constable, &c.,  
to be instituted

LIV. All suits against any Constable or Bailiff not absconding or absent, as hereinbefore mentioned, or against his surety or sureties,

under and by virtue of this Act, shall be instituted and conducted in the name of the party or parties aggrieved.

*in the name of party aggrieved.*

**LV.** The sureties for a Constable or Bailiff in any Bond, or either of them, shall at any time be allowed to withdraw from being sureties or surety for such Constable or Bailiff as aforesaid, on giving notice, in writing, under their or his hands, stating their or his desire to be relieved from being sureties or surety, to the Clerk of the Court, under this Act, to which the Constable or Bailiff belongs; and the said surety or sureties shall not be liable on any fresh Writs, Executions, or other process issuing out of the said Court, which, after the due delivery of such Notice, may be placed in the hands of such Bailiff or Constable; but the said Bailiff or Constable shall nevertheless have power, and he is hereby authorized to perfect and complete any business in his hands which may have been commenced but not completed at the time of such Notice as aforesaid, and for the due and faithful exercise and performance of his duties therein, the said Bond shall be, and it is hereby declared still to be good and valid against such Constable or Bailiff and his sureties, until such duties are fully and finally discharged and performed, notwithstanding such Notice of withdrawal as aforesaid: Provided always that if such Constable or Bailiff shall be able to find new sureties, or a new surety, in any such Bond as aforesaid, the Court may, if they think proper, re-appoint him a Constable or Bailiff of the Court on his entering into a fresh Bond with such new sureties or surety.

*Constable's sureties allowed to withdraw on certain conditions.*

*Sureties not liable on any fresh Writs.*

*Empowers such Constables, &c., to perfect business in hand, for performance of which said sureties still to be liable.*

*Permits Constables, &c., to find new sureties, &c.*

**LVI.** No Attorney or Counsel of the Supreme Court shall be allowed to speak on behalf of any Plaintiff or Defendant in any Court consti-

*Prohibits Attorneys, &c., of Supreme Court*

from being heard on behalf of parties, except in case of absence.

Corporate bodies how represented.

tuted under this Act, unless such Plaintiff or Defendant be absent from this Island, and such Attorney or Counsel shall be his authorized Agent therein: Provided always, that nothing herein contained shall prevent, or be construed to prevent any person duly authorized other than an Attorney or Counsel of said Supreme Court, from appearing on behalf of any Corporate Body, in any cause or matter, before any Court constituted by this Act, in which such Corporate Body may be concerned, either as Plaintiff or Defendant, but if the only authorized agent of such Corporate Body in this Island shall be an Attorney or Counsel as aforesaid, then he may appear for such Corporate Body.

Mode of procedure when Witness is obliged to leave this Island.

Depositions of such party may be received as evidence.

Proof of notice, &c., to be first made.

**LVII.** When it shall so happen that any witness who may be considered necessary to be produced on the trial of any cause under the provisions of this Act, is obliged to leave this Island, it shall and may be lawful for any Commissioner, after due notice in writing to the adverse party to be present, if he shall see fit to take the deposition of such person obliged to leave this Island as aforesaid; and such deposition so taken and certified under the hand and seal of the said Commissioner, and directed to the Court wherein such suit or action may be pending, shall be received as legal evidence in said suit: Provided that proof shall be first made on Oath that due written Notice was given to the adverse party of the time and place of taking such deposition, at least three days previous to the day appointed for taking such evidence: And provided also, that if such witness shall, at the time of the trial of the suit, be on this Island, and able to travel, he shall be required to give his testimony *viva voce* at said trial, in the same manner as if the deposition had not been taken.

LVIII. And whereas, it is necessary to give the Courts to be constituted by this Act the power of adjudicating when the Debtor has absconded: Be it therefore enacted, That it shall and may be lawful for the Clerk of any of the said Courts of Commissioners, upon application made to him on Oath in the form prescribed in the Schedule to this Act annexed, marked (L), in cases where the debt shall not exceed twenty pounds, to issue an attachment in the form prescribed in the Schedule to this Act annexed, marked (M), and any Bailiff or Constable of such Court, or of any other Commissioners' Court for the County wherein such Court whence the attachment shall issue, shall be held, may thereupon attach the Goods and Chattels of the absconding or absent debtor, in whatsoever County they may be found, to the amount of the debt and probable costs of suit, and secure the same to be forthcoming to satisfy the Execution which may issue in the cause, with all costs thereon, unless such Goods and Chattels shall be forthwith released on security being given as hereinafter prescribed and allowed.

Absconding debtors, how proceeded against.

Application how made.

Form of attachment.

Bailiff may attach goods, &c., of debtor wherever found, and secure same, unless released on security.

LIX. The Bailiff or Constable shall at the time of making such attachment, deliver to the wife or other agent of the debtor in whose charge or custody such goods or chattels may then appear to be, or serve, in like manner as a Summons for a Small Debt, a notice in the form prescribed in the Schedule to this Act annexed, marked (N), that he or she may inform his or her principal of the proceedings taken, or attend at the hearing of the case, and assert any claim he or she may have, if he or she shall see fit; and such attachment and notice being duly returned to the Court whence such attachment shall have been issued, shall be sufficient to warrant the

Bailiff to deliver to wife, &c., a notice.

Form of notice.

Attachment and notice being returned to Court, Court may adjudicate on the case.

said Court in hearing the case at its next sitting, and the Court shall thereupon proceed to try the cause, and give Judgment therein.

Persons allowed to retain property, on giving security for value thereof.

Form of security.

Mode of proceeding when judgment shall be given for Plaintiff.

**LX.** Any person in whose hands or possession any property may be attached as aforesaid, shall be at liberty to retain possession of the same upon giving security by himself or herself, and one or more sufficient sureties, to the satisfaction of the Officer making the attachment to the fair apparent value, in his opinion, of the property attached, and in the form prescribed in the Schedule to this Act annexed, marked (O), that the articles shall be forthcoming, or the value thereof paid on demand, if requisite, to satisfy the Judgment, which may afterwards be given; and in case Judgment shall be given for the Plaintiff, then, after the expiration of three months, execution may issue against the property so attached; and in case the same, or any part thereof, be not forthcoming, then against the proper goods and chattels of the sureties to levy the sum for which they shall have become bound as aforesaid, with costs of demand and Execution; and in default thereof, against their persons, as in cases of Execution against Defendants for Small Debts, unless such sureties shall comply with their obligation given as aforesaid, the non-compliance to be first ascertained on affidavit made before, and filed with the Clerk of the Court wherein such Judgment shall have been given.

Wife, agent, &c., of absconding debtor, may be summoned before Court, in certain cases.

**LXI.** Where no goods, chattels or effects of such absent or absconding debtor in the hands or under the management of his wife, agent, or other person, shall be exposed to view, or can be come at, so as to be attached, then it shall and may be lawful for the Clerk of the said Court of Commissioners whence such attach-

ment shall have issued, on application being made to him for that purpose, and an oath being also made in the same manner as hereinbefore mentioned, and in the form prescribed in the Schedule to this Act annexed, marked (L), in cases where the debt shall not exceed twenty pounds, to issue a Summons in the form prescribed in the Schedule to this Act annexed, marked (P), to be served on the wife, agent, or other person, in whose hands or under whose control, although not exposed to view, it may be thought some of the goods, chattels, or property of the absent or absconding debtor are, requiring such wife, agent, or other person to appear before the said Court to answer the Plaintiff, and the said Court shall proceed to try the cause and give Judgment therein; and if, on the examination of the said wife, agent or other person, any goods, chattels, or property of the absent or absconding debtor shall be discovered to be in his or her hands or power, then the said Court shall issue an attachment against the same in the form in the Schedule to this Act annexed, marked (M), to be executed by any Constable or Bailiff, as in the forty-eighth section of this Act mentioned, or make such order on the said wife, agent, or other person, to surrender and deliver up the same, as to the said Court may seem proper: Provided always, that such wife, agent, or other person may be at liberty to retain possession of such property on giving security by himself or herself, with one or more sureties, to the satisfaction of the Court, to the fair apparent value of the property so in his or her hands, in the form in the Schedule to this Act annexed, marked (Q), that the articles shall be forthcoming, or the value thereof paid on demand, if required, to satisfy the Judgment given; and in case Judgment be

Form of Oath of applicant.

Form of Summons.

Duty of Court in such cases.

Form of attachment.

Wife, agent, &c., at liberty to retain possession of property on giving security, &c.

Form of recognizance for the forthcoming of goods.

Three months after judgment given for Plaintiff, Execution may issue.

Mode of procedure where goods, &c., are not forthcoming.

When money or any unsaleable property shall be discovered in hands of wife, &c., Court to make an order touching the disposal thereof.

Absent debtor may have a rehearing within twelve months.

Plaintiff before entitled to Execution to give security for repayment of monies levied thereunder.

Form of recognition.

Agent, wife, &c., of absent debtor neglecting to obey Summons, or refusing to be

given for the Plaintiff, then, after the expiration of three months, execution may issue against the property so discovered to be in the hands or power of the said wife, agent, or other person; and if the same be not forthcoming, or any part thereof, then against the goods and chattels of the sureties and their persons, in the same manner as pointed out in the last preceding section of this Act: And provided always, that when any moneys shall be discovered in the hands or power of such wife, agent, or other person as aforesaid, or any valuable securities or effects, and not by law saleable under Execution, then it shall and may be lawful for such Court of Commissioners to make and enforce such order, touching the disposal of such moneys, securities, or effects, for and towards satisfaction of the debt and costs sued for as such Court shall deem just and reasonable.

**LXII.** Any absent or absconding debtor against whom any Judgment shall or may be awarded under this Act, shall be entitled to a rehearing of the cause at any time within twelve months next after Judgment; and the Plaintiff in such action shall, before he shall be entitled to his Execution, give sufficient security to the satisfaction of the Court, in the form prescribed in the Schedule to this Act annexed, marked (R), for the repayment of all such moneys as shall be levied by the said Execution, in case the Judgment be reversed on such rehearing as aforesaid, anything in this Act contained to the contrary notwithstanding.

**LXIII.** Any person who shall have been duly summoned as the agent, wife, factor, or trustee of an absent or absconding debtor, as hereinbefore provided for, and who shall neglect to attend the Court of Commissioners, as such sum-



mons may require, (without cause to be allowed by the Court) or shall, when before the Court pursuant to such summons, refuse to be sworn and examined touching the matters in question, to the satisfaction of the Court, such person shall be forthwith committed to the jail of the County in which such Court shall be held, there to remain until he or she shall comply with the terms of the summons so served upon him or her, and pay the costs of his or her contempt.

sworn, &c., how punished.

**LXIV.** No action or suit for any sum due upon any contract not amounting to the value of ten pounds, and being in any case or event recoverable by virtue of this Act, shall be commenced in any Court of Record within this Island: Provided always, that when the Plaintiff shall, upon any such action or suit brought in any Court of Record, obtain a verdict there for less than ten pounds, then, if the Chief Justice, or other Justice before whom the same cause may have been tried, shall certify a reasonable or probable cause of action for more than ten pounds, then and in such case the Plaintiff shall not be liable to pay costs, but may recover his costs of suit as if this Act had not been made.

No sum due on contract, not exceeding £10 to be sued for in any Court of Record.

Where Plaintiff obtains verdict for less than £10 in any Court of Record, Chief Justice, &c., may certify reasonable cause of action for more than £10.

**LXV.** All Courts established by virtue of this Act shall have power to punish, by Fine or Imprisonment, or both, any person guilty of contempt of Court, or riotous or disorderly conduct thereat: Provided always, that no Fine to be imposed by virtue of this clause shall exceed Forty Shillings, nor any Imprisonment exceed the Term of Thirty Days.

Contempt of Court, &c., how punished.

Limits amount of fine, &c.

**LXVI.** Any Clerk to be appointed under this Act, issuing any Summons without the Fee thereon being first paid, shall not be entitled to recover the same by any Process of law.

Clerk cannot sue for fee for Summons.

Commissioner's fees how apportioned, and when paid.

**LXVII** All Fees properly belonging to the Commissioners, arising out of any Summons or proceeding whatsoever under this Act, shall be divided equally between the Commissioners, or Commissioners and Justice of the Peace present and presiding at each sitting of the Court, and no other; all such Fees to be entered and settled at every such sitting, together with the Costs of all proceedings had or taken since the last previous sitting of the Court: Provided always that no Commissioner other than those usually sitting in or appointed to any particular Court under this Act shall take upon himself to hear or determine any cause pending therein, unless he shall be requested so to do by some of the Commissioners thereof.

No Commissioner other than usually sitting in Court to hear cause unless requested by a Commissioner thereof.

**LXVIII.** Whereas it is necessary to give to Justices of the Peace and to the Commissioners appointed under this Act a power to issue Bailable Process in cases of Small Debts, where the Debtor is about to leave this Island—Be it therefore enacted, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under this Act, or the Clerk of any Court constituted under this Act, upon application made to him, in all cases where the Debt shall not exceed Twenty Pounds; and on Affidavit being made in writing—which Affidavit shall be in the form in the Schedule to this Act annexed, marked (S)—to issue a Capias—which Capias shall be in the form in the Schedule to this Act annexed, marked (T)—to arrest the Body of the Debtor, in whatsoever County he may be found, and bring him before him, or before any Justice of the Peace residing nearest to the place where such Debtor shall be arrested; and upon the appearance of said Debtor, if he shall tender good and sufficient Bail that he

Empowers Justices of the Peace, &c., to issue Bailable Process in certain cases.

Form of affidavit.

Form of Capias.

Mode of proceeding on ap-

will appear and answer the suit at any sitting of the Commissioners' Court for the District within Two Months next after the issuing of such Capias, it shall be lawful for the said Justice, Commissioner or Clerk, to take a Recognizance for the said appearance from the said Defendant, with two sufficient Sureties, in the form in the Schedule to this Act annexed, marked (U); and if the Defendant do not appear and answer to the Plaintiff's suit, on the day named in the said Recognizance, the said Court shall proceed to try the same in the absence of the Defendant; but all persons appearing on behalf of the said Defendant shall nevertheless, if tendered, be examined before adjudication; and if Judgment shall be given in favor of the Plaintiff, Execution shall be awarded, as well against the Goods and Chattels of the Defendant as against the Goods and Chattels of the said Bail, in the form in the Schedule to this Act annexed, marked (V), for the amount of the Judgment and Costs.

pearance of Defendant.

Form of recognizance for appearance of Defendant.

Defendant not appearing on day named in recognizance, Court may proceed to try the case, &c.

Persons appearing on his behalf to be examined before adjudication.

Mode of proceeding when judgment for Plaintiff.

Form of recognizance.

**LXIX.** If the Defendant do not tender Bail as aforesaid, it shall be lawful for the Justice of the Peace, or Commissioner who issued the Capias, together with another Justice of the Peace acting in and for the same County, or for two Commissioners, forthwith to hear and determine the said cause, and to issue Execution in the form marked (I), hereinbefore referred to, *mutatis mutandis*, and in all cases where the Debt and Costs shall exceed the sum of Ten Pounds, to commit the Defendant to the Common Jail of the County, unless he shall give sufficient Bail and Security that he will within a certain time thereafter, not exceeding Twenty-one Days, to be settled and allowed by the Justices or Commissioners, be forthcoming to meet such Execution, in case no sufficient Goods and Chattels

Mode of proceeding when Plaintiff's claim does not exceed £10, and Defendant does not tender Bail, &c.

Form of Execution in such case.

Defendant to be detained in custody, unless he give Bail, &c.

whereon to levy the said Execution shall be found, and which shall be according to the mode pointed out in this Act.

Duties of Bailiffs, &c., under particular provisions of this section.

Jailer may be directed to discharge Debtor in certain cases.

Debtor, &c., be discharged from liability to appear, &c.

There not being sufficient goods, &c., whereon to levy, Bailiff, &c., to lodge Execution with Jailer, commit Debtor, &c.

Term of imprisonment where levy exceeds £10, same

**LXX.** Any Constable or Bailiff who shall be entrusted with any Execution to be issued in manner last above mentioned, shall be and he is hereby authorized and required, after having given at least Six Days' notice in at least Three public places, to levy by distress and public sale of the Goods and Chattels of the Debtor the sum of money mentioned in the writ of Execution, with poundage and other Fees as allowed by this Act in such cases; and if there be sufficient Goods and Chattels found whereon to levy the said sum and charges, then the said Constable or Bailiff shall immediately, or at least within Three Days after having ascertained the same, notify the same in writing to the Officer or Officers issuing the writ, who, in case the said Debtor shall have been committed to prison, shall thereupon immediately direct the Jailer in whose custody the said Debtor may be, to discharge him forthwith from confinement; and such Debtor shall so be immediately discharged; or, in case he has given Bail or Security for his appearance, the same shall be acquitted and discharged from liability; and if there be not sufficient Goods and Chattels whereon to levy, then and in such case the said Constable or Bailiff, after having made due note thereof in writing on the writ of Execution, shall, within three days after he shall have ascertained the same, lodge the said writ of Execution with the keeper of the common jail to which the debtor may have been committed as aforesaid; or if he shall have given bail or security in cases where the levy, as originally marked on the Execution, shall have exceeded ten pounds, shall take the body of the provided also, that the said Defendant so in-

said debtor, and commit him to the common jail of the County; and the said debtor, in such case, shall remain in the said jail, under such Execution, for such space of time, in proportion to the amount of the levy, as is prescribed in the thirty-ninth section of this Act, with reference to persons imprisoned under Execution issued upon any Judgment recovered in the regular way before any Court of Commissioners constituted under this Act; and all subsequent proceedings in relation to such debtor shall be governed by and conducted according to the provisions laid down in said last mentioned section of this Act :

as prescribed in 39th section of this Act.

**LXXI.** Provided always, that if the said Defendant shall, upon his appearance upon any Capias, deposit with the Justice, Commissioner, or Clerk, before whom he is brought, the amount of the sum sworn to, with a reasonable amount of costs, he shall not be required to enter into recognizance as above stated, but the suit shall, notwithstanding, be heard, and determined in the usual way; and the money deposited shall abide the event of the Trial; and if any Defendant against whom any such Judgment shall be given, as hereinbefore in the sixty-ninth clause mentioned, shall appear to the Justice or Justices, Commissioner or Commissioners, who shall have given the same, to be deserving of indulgence, then and in such case the said Justice or Justices, Commissioner or Commissioners, are hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable: Provided the time so granted shall not exceed two months where the Judgment is not above five pounds, and three months where the judgment exceeds five pounds; said indulgence to be computed from the day on which Judgment is given: And

Defendant depositing amount sworn to, not required to enter into recognizance, &c.

Suit to be heard in the usual way, &c.

Time may be given to Defendant for payment of judgment.

Limitation of indulgence.

Defendant in case of indul-

gence to give security, &c.

Form of recognizance for payment of debt.

Gives right of Appeal in certain cases.

Defendant how discharged from custody.

Form of recognizance.

Failing to give security, Execution to issue forthwith.

Executors and Administrators entitled to sue under this Act.

dulged shall give sufficient security, by recognizance, in the form præscribed in the Schedule to this Act annexed, marked (D), to pay the amount of the Judgment within the time limited therefor.

**LXXII.** The Judgment of the said Justices or Commissioners upon such Capias suit, may be appealed from, on the party appellant entering into the security, and complying with the other conditions of this Act in cases of appeal.

**LXXIII.** And whereas, it is necessary in the last mentioned case to make provision for the custody of the Defendant, after Judgment shall have been given, until the expiration of the time allowed for perfecting appeals: Be it therefore enacted, That the Defendant shall be discharged from custody upon entering into a Recognizance in the form in the Schedule to this Act annexed, marked (W), with two sufficient securities; and in case he shall refuse to give such security, Execution shall issue for the amount of the Judgment, and costs, as herein before pointed out.

**LXXIV.** Any Executor or Executrix, Administrator or Administratrix shall be entitled to bring or maintain an action of Debt or Trover under this Act, in respect to any money due, or property belonging to his or her Testator, or Intestate, or revive any judgment recovered by his or her testator or intestate, in his or her lifetime, as fully, in all respects, as any person is authorized to bring or maintain any such action, or revive any such Judgment hereunder, in his or her own individual right, anything herein contained to the contrary thereof notwithstanding.

**LXXV.** And whereas it is deemed expedient to provide for the relief of Insolvent Debtors confined within any jail within this Island, for

any debt, damages, or costs, whether on mesne or final process issued out of any Court to be constituted under this Act: Be it therefore enacted, That from and after the passing of this Act, so much of the Act of the General Assembly of this Island, passed in the fourteenth year of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws now in force for the relief of Insolvent Debtors," as prohibits persons confined by virtue of process issued under any Act for the recovery of Small Debts from obtaining relief as Insolvent Debtors, shall be, and the same is hereby repealed.

Repeals so much of the Act of 14th Vic. for the relief of insolvent debtors, as prohibits persons imprisoned under any Small Debt Act from taking the benefit thereof.

**LXXVI.** It shall and may be lawful for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Executive Council of this Island, and they are hereby empowered and required to commission and appoint three fit and competent persons as Commissioners, two of whom shall be a quorum, in and for each of the Counties in this Island, to carry into effect the purposes of this Act, hereinafter expressed, with reference to the relief of Insolvent Debtors, and who shall reside within the respective Counties for which they shall be appointed, and within six miles distance of the respective Court Houses of the said Counties; and in all cases of the death or resignation of any such Commissioner or Commissioners so to be appointed, or his or their non-residence or removal from within the aforesaid distance of the respective Court Houses in the said Counties, for which he or they were respectively appointed; or in case of his or their six months absence therefrom, or of malfeasance, or maladministration in his or their respective duties, or his or their other incapacity, in the discretion of the

Lieut. Govern- or in Council authorized to appoint three Commissioners for each County, for the relief of Insolvent Debtors.

Each of said Commissioners to reside within six miles of each of their respective County Court Houses.

Vacancies by death, resignation, &c., how filled up.

Governor and Council as aforesaid; or of his or their neglect or refusal to accept office, the said office, with respect to such Commissioner or Commissioners shall be deemed vacant, and it shall be lawful to and for the Governor and Council as aforesaid, and they are hereby directed from time to time, and as often as any such vacancy or vacancies shall occur, to appoint other Commissioners or Commissioner in his or their stead; all which said Commissioners so to be appointed by virtue of this Act, shall have and be vested with the like powers and authorities in every respect, within the Counties in which they shall respectively reside, for the purposes of this Act, as are conferred upon any two of the Justices of Her Majesty's Supreme Court of Judicature by the hereinbefore recited Act of the fourteenth year of the Reign of Her present Majesty, chapter two, for the purpose of granting relief to Insolvent Debtors confined under mesne or final process of the said Supreme Court.

Powers of Commissioners to be the same as those of Justices of Supreme Court under Insolvent Debtor's Act.

**LXXVII.** Every person confined in any jail in this Island, by virtue of any Capias, Execution or other process issued from any Court, or by any officer or other person authorized by this Act for that purpose, and unable to provide or obtain his necessary support, shall be entitled to receive a weekly allowance in money, upon an order to be made by the said Insolvent Commissioners: Provided such confined person would be or be deemed to be entitled to such weekly allowance as an Insolvent Debtor, were he confined, by virtue of Process issuing from the Supreme Court of Judicature.

Every person imprisoned in any Jail under a Capias, Execution or other Process, and unable to provide his necessary support, to be entitled to weekly allowance, &c.

**LXXVIII.** Every application for such weekly support shall be made to, and the order therefor may be granted by any two of the said Com-

Every application for weekly support to be



missioners for the County wherein such person shall be imprisoned, and shall be made in like manner, and under and subject to such rules, regulations and conditions as are prescribed in the said recited Act of the fourteenth year of Her present Majesty's Reign, chapter two.

made to any two Commissioners for the County wherein such person shall be imprisoned, &c.

**LXXIX.** In case the creditor, or party ordered to pay such weekly allowance, shall fail duly to pay the same, the said Commissioners shall be, and they are hereby empowered to make order for the discharge of such debtor out of confinement, which order shall be made in manner prescribed for similar cases in the said recited Act, and shall have the like virtue, force and effect regarding the person's rights, goods and chattels of the Insolvent debtor, and his creditors, as well as touching the Commissioners who shall make such order, and the Sheriff, Jailor, or other officer or Officers who shall execute or act under the same.

In case of Creditors failing to pay allowance, Commissioners empowered to make an order for discharge of Debtor out of confinement.

Order to have same force and effect as if made under provisions of the Act 14th Vic., cap. 2.

**LXXX.** The said Commissioners shall have power, upon cause shewn as prescribed in the said recited Act, either to refuse to make such order as aforesaid, or if made, to suspend the same.

Commissioners empowered to refuse or suspend order.

**LXXXI.** The said Commissioners may issue Subpœnas under their hands for the attendance of witnesses who shall be bound to obey the same, subject to the rules and conditions in that respect prescribed in the said recited Act.

Commissioners authorized to issue Subpœnas for attendance of Witnesses.

**LXXXII.** Every right, privilege and advantage which can or may by Law ensue, to any Insolvent Debtor, or to any creditor of any Insolvent Debtor, or to the Executors or Administrators of either, by the discharge of such debtor, whether by consent, or otherwise, under and by virtue of the hereinbefore recited Act,

Every right, &c., extends to any Insolvent Debtor, Creditor, &c., under 14th Vic., cap. 2, to be extended in a similar manner under this Act.

shall and may, in a similar manner, ensue to and be available by every Insolvent Debtor so discharged by virtue of this Act, and to and by every creditor of such Insolvent Debtor.

Every Judicial Officer, &c., required to do any act, &c., touching any Insolvent Debtor confined under this Act shall be bound to proceed therein in manner prescribed for similar officers, &c., in 14th Vic., cap. 2.

**LXXXIII.** Every Judicial or Ministerial Officer, Sheriff, Jailor, or other person, required to do or perform any act or business touching any Insolvent Debtor confined under this Act, shall be bound to proceed therein in manner in the said recited Act prescribed for similar officers or persons in similar cases, as near as the circumstances will allow, and shall be entitled to the like protection and indemnification as therein allowed.

Every person who shall be convicted of wilfully and corruptly making a false oath to any of the matters in this Act required to be sworn to, &c., shall be deemed guilty of perjury.

**LXXXIV.** Every person who shall be convicted of wilfully and corruptly making or taking a false Oath to any of the matters in or by virtue of this Act, required to be sworn to, whether especially expressed in this or the said hereinbefore recited Act of the fourteenth year of the Reign of Her present Majesty, chapter two, or who, in any examination upon oath, or solemn affirmation, before any Court to be constituted under this Act, or before any Commissioner, Justice of the Peace, or Commissioner for Insolvent Debtors, shall wilfully and corruptly give false evidence, shall be deemed guilty of Perjury.

The 14th Vic., cap. 2, to be followed in all orders, &c., for the relief of Insolvent Debtors, unless otherwise provided for by the provisions of this Act.

**LXXXV.** Every order, act, proceeding, matter, or thing required to be done for the purpose of carrying into effect the power and authority given and intended by this Act for or relating to the relief of Insolvent Debtors, and not herein specially referred to or expressed, shall be made, done, performed and observed as nearly as the circumstances of each particular case will admit, in conformity with what is prescribed and set forth in similar cases in the said recited Act.

**LXXXVI.** And whereas it is expedient to extend to Justices of the Peace, and to Commissioners under this Act, the power of issuing bailable process in cases of Debt above twenty pounds, and not exceeding thirty pounds, where the debtor is about to leave this Island: Be it therefore enacted, That it shall be lawful for any Justice of the Peace, or Commissioner acting under this Act, upon application made to him in such cases, and on affidavit being made in writing before him in the form in the Schedule to this Act annexed, marked (S), to issue a *capias* which shall be in the form in the Schedule to this Act annexed, marked (X), to arrest the body of the debtor in whatsoever County he may be found, and upon his appearance before said Justice or Commissioner, or any other Justice of the Peace or Commissioner residing nearest to the place where such debtor shall have been arrested, if he do not tender good and sufficient security, that he will appear and answer the Plaintiff at the next term of the Supreme Court for the County wherein the Justice or Commissioner issuing the *Capias* has jurisdiction, and execute a Bond to the Sheriff of the County to that effect, in the form in the Schedule to this Act annexed marked (Y); the said Justice or Commissioner is hereby required to direct a precept under his hand and seal to the Sheriff of the County in the form in the Schedule to this Act annexed marked (Z), to receive the said Defendant, and detain him in his custody until the next sitting of the said Supreme Court as aforesaid; and the Constable who shall have arrested the said Defendant shall take the said precept, and the said Defendant, and forthwith lodge him in the County Jail; and it shall be lawful for the Justice or Commissioner, if a sufficient Bail Bond shall be tendered and executed,

Gives power to Justices of the Peace, &c., to issue Bailable Process when debt is above £20 and does not exceed £30.

Form of Affidavit.

Form of Capias.

Defendant on appearance to give Bond to Sheriff to answer Plaintiff at the next Term of the Supreme Court.

Form of Bond.

If Bond be not given Justice to direct a Precept to Sheriff.

Form of Precept.

Duty of Constable.

Fee for Bail Bond.

to demand from the Defendant the sum of two shillings and six-pence for the same.

Plaintiff to serve Defendant with Declaration 8 days before sitting Supreme Court.

Suit may then proceed in same manner as if commenced by Summary Writ out of the said Court.

Defendant not appearing, &c., Plaintiff entitled to consignment of Bail Bond.

**LXXXVII.** When any person shall be so arrested, as in the last preceding clause mentioned, the Plaintiff shall, at least eight days before the sitting of the said Court, serve the Defendant with a Declaration, wherein the cause or causes of action shall be set forth, in the same manner as is usually done in Summary Writs issued out of the Supreme Court, and the suit shall then proceed in the same manner as if it had originally commenced by Summary Writ out of the said Supreme Court; and in case the Defendant shall make default in appearing and putting in Special Bail, the Plaintiff shall be entitled to demand an assignment of the Bail Bond, and to proceed thereon in his own name in the same manner as in other cases.

Persons confined in Jail under this Act not entitled to benefit of the Act 12 Vic., cap. 1.

**LXXXVIII.** No person confined in Jail under and by virtue of any Execution issued under this Act shall be entitled to the benefit of an Act made and passed in the twelfth year of the reign of Her present Majesty, intituled "An Act relating to the Limits and Rules of Jails in this Island."

In what Court Plaintiff must bring his action.

Where Plaintiff has moved his residence after cause of action has arisen

**LXXXIX.** Any Plaintiff bringing an action or suit in any of the Courts to be constituted under this Act, must bring the same either in the Court which holds its sittings nearest to his own or his agent's place of residence, or in that which hold its sittings the nearest to the residence of the Defendant or his agent, but at the option of the Plaintiff: Provided always, that where the Plaintiff shall have moved his place of residence after the cause of action arose, he may, if he think fit, bring his action in the Court which hold its sittings nearest to the place

where the cause of action arose or the debt was contracted.

XC. If any action or suit shall be commenced against any person for any matter or thing done in pursuance of this Act, such action or suit shall be brought or commenced within six calendar months next after the cause of action shall have arisen, and not afterwards; and the same shall be laid and brought in Her Majesty's Supreme Court of Judicature, and not elsewhere; and the Defendant in such action or suit may plead the general issue therein, and give this Act and the special matter in evidence at the trial thereof; and if the matter or thing for which such suit or action may be brought shall appear to have been done in pursuance of this Act, then the Jury shall find for the Defendant; and if the Plaintiff become nonsuited, or discontinue his action or suit, or if upon verdict or demurrer, judgment shall be given against the Plaintiff, or if the said action shall be brought in any other Court than the said Supreme Court, then, and in either of the said cases, the Defendant shall and may recover full costs, to be taxed as between Attorney and Client, and have such remedy for the same as any Defendant hath in any other case by law.

Limitation of actions commenced against persons acting under this Act.

Where actions are to be laid.

Defendant's plea.

Defendant to be allowed full costs in certain cases.

XCI. All Bonds and Recognizances given under or by virtue of the said repealed Acts, or any of them, shall be, and the same are hereby declared to be and remain in full force and effect for the purposes for which the same were respectively given, notwithstanding the repeal of the said Acts; and such Bonds and Recognizances shall and may, after this Act shall go into operation, be sued upon, enforced and recovered in Her Majesty's Supreme Court of Judicature, or in any Court constituted under this Act, at the option of the Plaintiff.

Bond, &c., given under repealed Acts to remain in full force for certain purposes.

How proceeded upon.

Commissioners appointed under Acts hereby repealed, to act and adjudicate for thirty days after this Act shall go into operation.

Mode of sustaining such adjudications, &c.

Not to prevent Commissioners within said period from adjudicating in all cases commenced by them.

Reappointment to office of Commissioner not to vacate the seat of any member of the present House of Assembly.

Fines and penalties how recoverable.

**XCII.** The Commissioners of Small Debts heretofore appointed and now acting under and by virtue of all or any of the Acts hereby repealed, shall continue to act and adjudicate under the provisions thereof, for and until the end of thirty days after this Act shall go into operation, for which purpose, and also for sustaining such Acts and adjudications, and all proceedings heretofore had or hereafter to be had or pending in the said Courts, the said Acts hereby repealed, or so many of them as are now unrepealed, shall be held to continue in force; nor shall anything in this Act contained prevent any of the said Commissioners who, previous to the expiration of the said thirty days, shall have issued any Summons, from adjudicating thereon, or from issuing Execution or Executions for the judgment or judgments previously given, or that may be given in any such cases where Summonses have already been issued, or from fulfilling and perfecting all and singular the business commenced under and by virtue of the powers vested in them by the said repealed Acts, or any of them, in so far as the same can be done and completed previous to the expiration of the said period of thirty days, under the provisions of the said Acts hereby repealed.

**XCIII.** The re-appointment of any Member of the present House of Assembly to the office of Commissioner of Small Debts under this Act shall not extend, or be construed to extend, to vacate the seat of such Member, any Statute, usage or custom to the contrary notwithstanding.

**XCIV.** All fines and penalties imposed by this Act shall be recoverable, with costs, on the Oath of one or more credible witness or witnesses, unless where otherwise directed, before

any Court to be constituted under this Act, where such fine or penalty shall not exceed the sum of twenty pounds; and if above that sum, by action in Her Majesty's Supreme Court of Judicature; and unless where otherwise appropriated, they shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Appropriation of fines.

XCV. No person acting under and by virtue of this Act shall take or receive, directly or indirectly, any greater or other fee or fees for his services, than is or are mentioned and allowed in the Table of Fees to this Act annexed.

No greater fees to be taken than allowed by this Act.

XCVI. If any of the said Courts of Commissioners under this Act shall see fit at any time to revoke any appointment of a Clerk made by it, it shall be authorized so to do, and the Books and Records, Papers, Securities, Moneys and Documents kept by the Clerk as aforesaid, or in his custody or possession, shall, on his going out of office, be handed over to the Commissioners constituting the said Court; and upon his neglecting or refusing to deliver up the said Books, Records, Papers, Securities, Moneys or Documents, or any of them, when demanded, he shall forfeit and pay for such offence a sum not exceeding twenty pounds, besides the value to the several parties injured of all such Books, Records, Papers, Securities, Moneys and Documents so in his hands, the same to be recovered, with costs, in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Court may revoke appointment of Clerk.

Clerk to deliver up books, &c., to Commissioners.

Penalty for neglect or refusal.

Penalty how recovered and applied.

XCVII. This Act shall commence and go into force and operation on the first day of June in the year of Our Lord one thousand eight hundred and sixty, but not sooner.

When this Act shall go into operation.

Duty of Clerks  
of former Com-  
missioner's  
Courts.

Courts consti-  
tuted under  
this Act to  
have jurisdic-  
tion over all  
matters unde-  
termined after  
expiration of  
30 days.

The forms of  
proceeding to  
be altered, &c.

Penalty on  
Clerks for neg-  
lecting to com-  
ply with provi-

**XCVIII.** It shall be the duty of each Clerk of the Courts of Commissioners for the Recovery of Small Debts, constituted and acting under or by virtue of all or any of the Acts of the General Assembly of this Island hereby repealed, within thirty days after this Act shall go into operation, to return and hand over to the Court to be constituted under this Act, which shall hold its sittings the nearest to the Court of which he is Clerk, all Books, Records, Documents, Papers, Writs and other writings, matters and things in his charge and custody as such Clerk as aforesaid, and duly entered and made up; and the Court under this Act, immediately after the same shall be duly lodged therein, shall have jurisdiction over all matters and judgments pending or undetermined, or recovered in the Court from which such Books, Records, Documents, Papers, Writs and other writings, matters and things, proceed; and shall have power to hear and adjudicate therein and upon, and to issue Execution on Judgments already recovered in said last mentioned Court as fully and effectually to all intents and purposes as if the said Court under this Act had originally entertained the suit or suits, or judgments, or other proceedings returned out of any such Court constituted as aforesaid under the Acts hereby repealed, or any of them, the forms of proceeding being altered to meet the circumstances of each case; and every such Clerk of the last mentioned Courts neglecting or refusing to make such return, or to hand over such Books, Records, Documents, Papers, Writs or other writings, matters or things so duly entered and made up as aforesaid, to such Court under this Act, nearest to the Court of which he is or has been Clerk, within the period aforesaid, shall forfeit and pay for such offence, to each person aggrieved thereby,



a sum not exceeding twenty pounds, besides the value of the Papers or other Documents belonging to each person aggrieved; the same to be recovered, with costs, in any Court constituted under this Act, and paid to the party or parties aggrieved.

sions of this section.

Mode of recovery and application of penalty.

**XCIX.** In case of the death of any Clerk of any such Court constituted and appointed under the several Acts hereby repealed, or any of them, before the space of thirty days after this Act shall go into operation, it shall be the duty of the Commissioners, or one of them, appointed under the said repealed Acts of the Court to which such Clerk may have belonged, to hand over and make return in the same manner as the Clerk is required to do by the last preceding clause of this Act, under the same penalty and fine in each case as is therein inflicted on said Clerk neglecting or refusing, besides the value of the Papers and Documents as therein mentioned, and also recoverable in the last preceding clause mentioned; and the Court constituted under this Act, shall have like jurisdiction and authority to proceed, after such return made under this clause, as it would have had if the return had been duly made by the Clerk as hereinbefore set forth.

Duty of Commissioners under repealed Acts, in case of death of Clerk.

Penalty for neglect, &c.

Penalty how recoverable.

Jurisdiction, &c., of Courts with reference to returns made under this clause.

**C.** Provided always, that where any Court of Commissioners constituted under any Act or Acts hereby repealed shall not have had an authorized Clerk, then, and in such case, it shall and may be lawful for any Court constituted under this Act, which shall hold its sittings the nearest to the place where the said first mentioned Court was held, or for any Commissioner or Clerk of the said Court under this Act, at the instance of any person who may have recovered a judgment or

Mode of enforcing unsatisfied Judgment obtained in any Court under repealed Acts, such Court having no authorized Clerk.

judgments in such old Court, and which said judgment or judgments shall or may remain unpaid, or not wholly satisfied or discharged, or at the instance of the agent or personal representative of any such person, to apply for and obtain from the Commissioner or Commissioners of said old or former Court the Judgment Books, and all other Books, Papers, Writs, Documents or other writings and things whatsoever relating to any such judgment or judgments; and in case of refusal on the part of any such Commissioner or Commissioners of the former Court to hand over any such Judgment Books, Papers, Writs, Documents or other writings, such Commissioner or Commissioners shall be subject to the like penalty and fine as is inflicted in and by the ninety-eighth section of this Act; or any Clerk of a former Court neglecting or refusing to hand over and make return of any such Books, Documents or other writings, besides the value of the papers and documents withheld, the same to be recoverable as in the said last mentioned clause or section; and the Court constituted under this Act shall have as full and the same power and authority in all respects to issue Execution upon, and enforce payment of, any such judgment so remaining unpaid or unsatisfied, or in part unpaid or unsatisfied, as the Court before which the same was originally recovered could or might have issued Execution, or have enforced payment of such judgment, had the Act or Acts under which such Court was constituted never been repealed.

Penalty on old Commissioners, &c., refusing to comply with provisions of the Section.

Penalty how recoverable.

Clerk of Court to prepare list of all sums of money belonging to Suitors, and post the same in his office, &c.

CI. The Clerk of every Court for the recovery of Small Debts shall in the month of June in each year make out a correct list of all sums of money belonging to suitors in the Court which shall have remained for the space of twelve calendar months before the first day of the month

of January, specifying the names of the parties for whom, and on whose account, the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House, or other place, and at all times in the Clerk's Office.

CI. The Clerk of each Court for the recovery of Small Debts to be constituted under this Act shall, annually, on the last Monday in January in each year, send into the Office of the Colonial Secretary of this Island, to be by him laid before the Legislature annually, an account and return in writing of all fees which, during the year ending on the thirty-first day of December last preceding the date of each return, shall have been received by him, or by the Commissioners and Constables or Bailiffs of the Court to which he belongs; and also an account of the amount of all sums during the like period sued for and recovered in the said Court; and any Clerk making default herein shall forfeit and pay to Her Majesty a fine of ten pounds, to be recovered in any of the Courts constituted under this Act.

Clerk of Court to make a return annually to Colonial Secretary's office of all fees, &c.

CII. Whenever two or more persons shall be jointly sued on any joint or joint and several contract or obligation, and all of such persons shall not reside in the same County, it shall be lawful for the Plaintiff in the suit, should he so elect, to bring the same in the County wherein he, and any one or more of the said Defendants, may reside, in which case the Summons and Execution may issue into any County or Counties wherein either or any of the other Defendants reside, although different from the County wherein the cause shall be tried; and such Summons and Execution shall have the same force and ef-

Mode of procedure against joint defendants, where they reside in different Counties.

fect in law; and the Constable or Bailiff serving the same shall have the same authority therewith as if the same were served or executed in the County wherein the said cause shall be tried.

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**Table of Fees Referred to in this Act.**

**COMMISSIONERS' FEES.**

- Commissioner's fees.
- For issuing every Capias or Summons, *One Shilling.*
  - For every Trial and amount of Judgment not above Two Pounds, One Shilling and Six-pence; from Two Pounds to Eight Pounds, Three Shillings; and from Eight Pounds to Twelve Pounds, Five Shillings; and from Twelve Pounds to Twenty Pounds, Seven Shillings and Six-pence.
  - For every Judgment of Nonsuit, Two Shillings and Six-pence.
  - For every Subpœna under an Attachment, Sixpence.
  - For drawing and engrossing every Affidavit, One Shilling and Sixpence.
  - For every Recognizance, One Shilling and Sixpence.
  - For taking Depositions of Witnesses about to leave this Island, Eight-pence for every One hundred Words.
  - For every Notice to attend an Examination of Witnesses, One Shilling and Sixpence.
  - Trial and Judgment Fees not to be allowed, on Confession by Defendant without Trial.

**INSOLVENT COMMISSIONERS' FEES.**

- Insolvent Commissioner's fees.
- For every order Two Shillings.
  - For every Examination Three Shillings.
  - For every mile travelled coming and returning, Four-pence.
  - For taking minutes of Examination, Fourpence for every One hundred Words.
  - For every Oath or Affidavit, One Shilling.

**CLERKS' FEES.**

- Clerk's fees.
- For every Summons, Capias, or Attachment, One Shilling.
  - For every Subpœna, Sixpence.
  - For every Execution issued at Plaintiff's or Defendant's request, One Shilling.

## CONSTABLES' OR BAILIFFS' FEES.

For service of every Summons, or other Process, One Shilling.

For levying Execution, Two Shillings and Sixpence.

For every mile actually travelled going and returning to serve a Summons, or other Process, or make demand, Twopence.

For every mile actually travelled going and returning to serve a Subpœna, Twopence; and if more than one Subpœna in any case, only the one mileage to be charged for the full distance travelled in such cases.

For making arrest under Capias, Two Shillings and Sixpence.

For levying Execution, and Sale of Goods, &c., thereunder, at the rate of One Shilling in the Pound, (except where the party shall suffer the full term of imprisonment.)

For advertising Property taken in Execution, One Shilling and Sixpence.

For levying Attachment, Two Shillings and Sixpence.

For Inventory Service and Notice, One Shilling.

For taking Bond for forthcoming of Property, One Shilling and Sixpence.

For making demand on Sureties for Payment, and Oath, One Shilling.

In cases where the party against whom the Execution or other Proceedings have issued shall pay or tender to the Constable or Bailiff the amount of the Debt or Sum claimed, and Costs, without the same being levied by the Constable or Bailiff and Sale made, the Constable or Bailiff shall not be entitled to Poundage Fees.

Constables' or  
Bailiff's fees.

## WITNESSES' FEES.

For every Day's Attendance, Two Shillings.

For every mile travelled coming and returning, Three-  
pence.

In the event of Witnesses attending in more than one Case at the same time, then to be allowed only one-half the above Fees in each Case.

Witnesses' fees.

Schedules to which this Act refers.

SCHEDULE (A.)

FORM OF AFFIDAVIT WHEN SUIT IS BROUGHT FOR RENT.

County, } In the Court of Commissioners for the  
 Recovery of Small Debts at in  
 the said County.

Affidavit where  
 suit is brought  
 for rent.

I *A. B.*, (or *C. D.*, Agent for *A. B.*), do swear that *E. F.* is justly and truly indebted to me (or to the said *A. B.* if affidavit be made by the Agent) in the sum of \_\_\_\_\_ of lawful money of Prince Edward Island, for [half] a year's rent, (or otherwise, according to the circumstance,) for certain premises, situate, &c. [Here briefly describe the premises], and due upon a certain Indenture of Lease, dated the \_\_\_\_\_ day of \_\_\_\_\_ One thousand Eight hundred and \_\_\_\_\_ of the one part, and \_\_\_\_\_ of the other part (or if the amount or rent be claimed upon any other demise, whether parol or in writing, or any written or parol lease, or agreement for a lease, or any otherwise in respect of the relation of landlord and tenant, as in the Act stated [here state shortly the nature thereof], and that on the \_\_\_\_\_ day of \_\_\_\_\_ (being either the day of the date of the affidavit, or some day within seven days previous) no sufficient distress was to be found upon the said premises countervailing the said arrears of rent then due (or if more than half a year's rent be sworn to be due, then say that "no sufficient distress was then to be found upon the said premises countervailing half a year's arrears of the said rent then due") search having been made therefor on the said premises.

Sworn before me this } *A. B.* or *C. D.*  
 day of 186 }  
 Clerk. }

SCHEDULE (B.)

FORM OF SUMMONS.

Prince Edward Island, } In the Court of Commissioners  
 for the Recovery of Small  
 County. } Debts at in said County.

*A. B.*, Plaintiff, }  
*C. D.*, Defendant, }

You are hereby required to be and appear before the said Court, on the \_\_\_\_\_ day of \_\_\_\_\_ next, at the hour of \_\_\_\_\_ o'clock in the forenoon, to answer the Plaintiff in an action for the sum of \_\_\_\_\_ for \_\_\_\_\_ (if in Trover, say in an action of trover for \_\_\_\_\_ being the value of the property of the said Plaintiff detained by you as is said), and in default of your appearance you will be proceeded against as to justice shall appertain.

Form of Summons.

Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18  
 \_\_\_\_\_ Clerk [L.S.]

To the Defendant *C. D.*

SCHEDULE (C.)

FORM OF SUBPENA.

Prince Edward Island, } By the Court of Commissioners  
 County. } for the Recovery of Small Debts at \_\_\_\_\_ in said County.

You are hereby required personally to be and appear before \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, at the hour of \_\_\_\_\_ o'clock in the forenoon, to testify the truth according to your knowledge, between *A. B.*, Plaintiff, and *C. D.*, Defendant. And herein you are not to fail, on pain of being fined as the law directs.

Form of Subpœna.

Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_ 186

[L. S.]  
 C.C.C.

To Mr. \_\_\_\_\_

SCHEDULE (D.)

RECOGNIZANCE FOR PAYMENT OF DEBT.

*A. B.*, Plaintiff } We, *E. F.* and *G. H.* do jointly  
*C. D.*, Defendant } and severally undertake that if *C. D.*, the Defendant shall not pay or cause to be paid to *A. B.*, the plaintiff, the amount adjudged against him the said *C. D.* in this action, being \_\_\_\_\_ for Debt and Costs, on or before the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing, we, or one of us, will do it for him.

Recognizance for payment of debt.

Taken and acknowledged before } *E. F.*  
 me, this \_\_\_\_\_ day of \_\_\_\_\_ 186 } *G. H.*  
 \_\_\_\_\_ Clerk }

SCHEDULE (E.)

RECOGNIZANCE OF APPEAL.

County, }

Recognizance of Appeal.

C. D. in error, Plaintiff } C. D. is delivered to Bail to  
A. B. in error Defendant } prosecute his Appeal at the  
next sitting of Her Majesty's Supreme Court of Judicature, which will be held at  
on the day of next ensuing.

To E. F., of in County [occupation]  
G. H., of in County [occupation]

Condition of Recognizance on Appeal.

We E. F. and G. H. do jointly and severally undertake that if C. D., the Appellant above named, be condemned in the Appeal, and Judgment shall be given against him by the Supreme Court, or entered against him by confession, he shall satisfy the Costs and Condemnation money, or render himself to the Custody of the Sheriff of this County, or we will do it for him; and further that if the said C. D. shall in the meantime fraudulently part with any of his goods or chattels, or make any undue or unjust disposition thereof, so as to defeat such Judgment, then, unless he shall pay the said costs and condemnation money, we, or one of us, will pay the same for him. This we do severally acknowledge and undertake.

Dated the day of A. D. 186

Taken and acknowledged before me } E. F.  
G. H.  
Clerk of the Court. }

SCHEDULE (F.)

FORM OF AFFIDAVIT OF APPELLANT OR HIS AGENT

County } In the Court of Commissioners for  
the Recovery of Small Debts  
at  
in said County.

Affidavit of Appellant.

C. D. or (E. F., agent of C. D.) maketh Oath and saith, that on the day of instant a Judgment was given against this Deponent (or the said C. D. or for this Deponent or the said C. D. if the Judgment appealed from be in favor of the Appellant)



in the said Court in an Action wherein *A. B.* was  
 and this Deponent (or the said *C. D.*) the  
 for the sum of \_\_\_\_\_ together  
 with Costs of suit (or for Costs of Nonsuit or otherwise  
 as the case may be) and that this Deponent considering  
 himself (or the said *C. D.* if the Affidavit be by the  
 Agent) aggrieved by the said Judgment intends to remove  
 the same by Appeal into Her Majesty's Supreme Court  
 of Judicature to be held at \_\_\_\_\_ on the  
 day of \_\_\_\_\_ next ensuing, and then and there  
 to cause the said Judgment and all proceedings thereon to  
 be examined in due course of law; and this Deponent fur-  
 ther saith that he does not ask for the said Appeal for  
 the purpose of delaying the payment of the said Judgment  
 but for the purpose of having the case determined on  
 its merits in the Supreme Court as aforesaid.

Sworn before me this } *C. D.*  
 day of 186 } or  
 Clerk. } *E.F.* agent for *C. D.*

### SCHEDULE (G.)

#### FORM OF NOTICE OF APPEAL.

*County,* } In the Court of Commissioners for  
 the Recovery of Small Debts at  
 in the said County.

*A. B.* Plaintiff,  
*C. D.* Defendant, }

Take notice that I have appealed from the Judgment  
 of this Court in this suit, to Her Majesty's Supreme  
 Court of Judicature, at the Term thereof to be holden at  
 on the \_\_\_\_\_ day of \_\_\_\_\_  
 and that it is my intention to have the said Appeal  
 heard and determined at said Term.

Notice of Ap-  
 peal.

Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_ 18  
 To Mr. *A. B.* or *C. B.* \_\_\_\_\_ *C. D.* or *A. B.*

### SCHEDULE (H.)

#### FORM OF BOND TO CONSTABLES OR BAILIFFS FOR THE FORTH- COMING ON THE DAY OF SALE OF GOODS AND CHATTELS TAKEN IN EXECUTION.

Prince Edward Island, } In the Court of Commissioners  
 for the Recovery of small Debts  
 County, } at \_\_\_\_\_ in said County.

A. B. Plaintiff, }  
C. D. Defendant. }

Form of Bond  
for the forth-  
coming of  
goods on the  
day of Sale,  
taken in Exe-  
cution.

Whereas (*E. F.* Constable or Bailiff) by virtue of an Execution issued against the said *C. D.* hath this day levied upon the following Goods and Chattels, namely (state what they are) which Goods and Chattels are intended to be sold in pursuance of said Execution on the day of next.

Now we the said *C. D.* and also *G. H.*, his Surety, hereby jointly and severally bind ourselves, our and each of our Executors and Administrators to deliver up to the said *E. F.* (Constable, or Bailiff, as the case may be) on the said day of (day of sale) all and singular the aforesaid Goods and Chattels in as good order and condition as the same now are, or otherwise to pay to the said (*E. F.* Bailiff or Constable) the full value thereof in money, or as much as will satisfy the levy marked on said Execution.

#### SCHEDULE (I.)

##### FORM OF EXECUTION.

Prince Edward Island. } In the Court of Commissioners  
County, } for the Recovery of Small  
Debts at in said  
County.

To the Constables or Bailiffs of the said Court, or to any of them, and to the Keeper of the Jail in the said County.

Execution.

Whereas on the day of 18 Judgment was awarded against *C. D.* in favor of *A. B.* for the sum of Debt and Costs of suit (as the case may be.) These are to require and command you the said Constables or Bailiffs, or one of you, to levy of the Goods and Chattels of the said *C. D.*, the said sum by Sale of the said Goods and Chattels, [and, for want thereof, you are hereby commanded to take the body of the said *C. D.*, and him commit to the said Jail; and you the said, the said Jailer, are hereby required to receive the body of the said *C. D.*, and him there to detain until he satisfy the said *A. B.*, or be otherwise discharged in due course of law,\*] and you, the said Constables or Bailiffs, are hereby required to make due return

\* In Executions issued in all actions commenced after the first day of April one thousand eight hundred and sixty one, this passage must be omitted when the Levy marked thereon does not exceed Ten pounds.

of your doings hereunder to this Court, within thirty days from the date hereof.

Given under my hand and Seal, this  
day of 186

(L. S.  
Clerk.

Debt,  
Costs,  
Execution,  
Levy for £

SCHEDULE (J.)

FORM OF AFFIDAVIT OF PARTY DEMANDING EXECUTION IN  
CASE OF DEBTOR BEING ABOUT TO LEAVE THE ISLAND.

Prince Edward Island, } In the Court of Commission-  
County. } ers for the recovery of Small  
Debts at in  
said County.

A. B. Plaintiff. }  
E. F. Defendant. }

I, A. B., or (C. D., agent of A. B.) do swear that I have been informed and believe that E. F. is about to depart from this Island forthwith, without paying the amount of the Judgment given against him.

Affidavit to  
obtain Execu-  
tion against  
Debtor about  
to leave the  
Island.

Sworn before me this }  
day of 186 } A. B. or C. D.  
Clerk. }

SCHEDULE (K.)

BAILIFF'S OR CONSTABLE'S BOND:

Know all men by these presents, that we, A. B., C. D., and E. F., are, jointly and severally, held and firmly bound unto our Sovereign Lady Queen Victoria, her heirs and successors, in the penal sum of pounds, of good and lawful money of this Island, to be paid to our said Lady the Queen, her Heirs and Successors; for which payment, to be well and truly made, we bind ourselves, our and each of our Heirs, Executors and administrators firmly, by these presents, sealed with our seals, and dated the day of 186

Bailiffs' or  
Constables'  
Bond.

Whereas the above bounden, A. B., hath been by the Court of Commissioners for the recovery of Small Debts, at in the County of County, appointed

a Bailiff of the said Court, (or, if a Constable, say chosen), to serve and levy Writs, Attachments, Summonses, Executions, and other proceedings issuing out of the said Courts. Now, the condition of the above Obligation is such, that if the said above bounden *A. B.*, as such Bailiff (or Constable, as the case may be), shall and do act in accordance with the Acts of the General Assembly of this Island, for the recovery of Small Debts, and shall make due service and levy of all Writs, Attachments, Summonses, Executions, and other proceedings to him entrusted to serve and levy; and shall make due return of all such Writs, Attachments, Summonses, Executions and other proceedings, at the time therein respectively mentioned for the return thereof; and shall, without delay or default, pay over unto the respective parties in the said Court, and entitled thereto, or into the said Court, all sums of money coming into his hands by virtue of such Writs, Attachments, Summonses, Executions, and other proceedings, then, and in such case, the said Obligation shall be void, otherwise it shall remain in full force and effect.

Signed, Sealed and	}	<i>A. B.</i> (L. S.)
Delivered, in the		<i>C. D.</i> (L. S.)
presence of		<i>E. F.</i> (L. S.)

SCHEDULE (L.)

FORM OF AFFIDAVIT TO OBTAIN SUMMONS AGAINST AGENT OF ABSCONDING DEBTOR.

Affidavit to obtain Summons against Agent of absconding Debtor.

*County.* } I, *A. B.*, (or *G. H.*, Agent of *A. B.*) do Swear, that *C. D.*, is justly and truly indebted to me (or to the said *A. B.*) in the sum of \_\_\_\_\_ of lawful money of this Island, and that I have received information and verily believe that said *C. D.* is absent from this Island, and that *E. F.*, of \_\_\_\_\_ hath custody of his Goods and Chattels, or that he is indebted to him, the said *C. D.* (or that the said *C. D.* hath Goods and Chattels within this Island.)

So help me GOD.

Sworn before me this	}	<i>A. B.</i>
day of		186
		<i>C. C. C.</i>

SCHEDULE (M.)

FORM OF ATTACHMENT.

Prince Edward Island, } In the Court of Commissioners for  
*County.* } the Recovery of Small Debts as  
in said County.

*A. B.*, Plaintiff.  
*C. D.* (sued as an absent Debtor), Defendant.

To the Bailiffs or Constables of the said Court, or of any other Commissioners' Court for the said County.

You are hereby authorized and required to attach the Goods and Chattels of *C. D.*, late of \_\_\_\_\_ in the said Island, an absent or absconding Debtor, to the value of \_\_\_\_\_ Attachment. (here insert the Debt sworn to, and add these words, "with the further Sum of \_\_\_\_\_ as probable Costs of Suit") wheresoever you may find the same within the said Island (or being at \_\_\_\_\_ in the Custody or Power of *E. F.*, (as the case may require,) and the same to detain in your Custody, to answer the Suit of *A. B.* against the said *C. D.* for (here state the cause of Action); and you are to make return of your doings hereunder to this Court, at its next Sitting after the date hereof.

Given under my Hand, and Seal of the said Court,  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18

By Oath for £ \_\_\_\_\_, Clerk. (L.S.)

SCHEDULE (N.)

FORM OF NOTICE TO AGENT.

Prince Edward Island, } In the Court of Commissioners for  
 County. } the Recovery of Small Debts, at  
 in said County.

Sir, or Madam;

TAKE Notice, that I have attached the Goods and Chattels specified in the Schedule hereunder written, which I am informed, are the property of the Defendant, in your possession, to answer the suit of the above named Plaintiff, for £ Debt, and £ costs, the probable Costs of Suit; and the Attachment is returnable into the said Court on the day of \_\_\_\_\_ when the case will be heard.

Notice to Agent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

Yours, &c. J. K.  
 Bailiff or Constable of said Court.

To Mr. or Mrs.

- One Horse,
- One Cart,
- One Stack of Hay,
- Six Chairs,
- One Table, &c.



A. B., Plaintiff.

C. D., Defendant (sued as an absent Debtor.)

WE, E. F. and G. H. do jointly and severally promise and undertake that the Goods and Chattels discovered by the Oath of the said E. F., to be in his or her hands or power, belonging to the said Defendant, namely (*here specify the articles*) and valued at \_\_\_\_\_ shall be forthcoming and delivered up on demand, to respond the Judgment given for the Plaintiff in this Action, and in as good order as the same now are, or the aforesaid value thereof shall be paid by us, or so much as will satisfy the Judgment and Costs of this Suit, now or hereafter to be incurred.

Recognizance  
for forthcoming  
of goods of  
absent Debtor.

Witness our Hands this \_\_\_\_\_ day of \_\_\_\_\_ 18

E. F.

G. H.

Witness

J. K., Commissioner, Bailiff, or Constable.

SCHEDULE (R.)

RECOGNIZANCE OF PLAINTIFF, OR HIS AGENT, DEMANDING EXECUTION AGAINST ABSCONDING DEBTOR.

County, } In the Court of Commissioners for  
} the Recovery of Small Debts at  
A. B., Plaintiff, } in said County.  
C. D., Defendant, }

WHEREAS Judgment hath been awarded in favor of the above named A. B., Plaintiff against C. D., an absent or absconding Debtor, and he hath demanded Execution thereof against the Goods and Chattels of the said C. D., in the custody of E. F.: Now, we, A. B. (or W., Agent of A. B.) L. M. and S. F., do hereby jointly and severally undertake, that if on a rehearing in this Cause, within Twelve Months, the said C. D. obtain a Judgment in his favor, we or one of us will repay to the said C. D. the amount thereof, and all Costs that may be adjudged to him on such rehearing.

Recognizance  
of Plaintiff de-  
manding Exe-  
cution against  
absent Debtor.

A. B. (or W.), L. M., S. F.

Taken and acknowledged before me, }  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 }  
\_\_\_\_\_, Clerk.

SCHEDULE (S.)

FORM OF AFFIDAVIT TO OBTAIN CAPIAS.

County, }

I, A. B., do swear that C. D. is justly and truly indebted to me (or if Affidavit be made by Agent, then say, I, E. F.,

Affidavit  
to obtain  
Capias.

Agent for *A. B.*, do swear that *C. D.* is justly and truly indebted to *A. B.* in the sum of \_\_\_\_\_ of lawful money of Prince Edward Island, for \_\_\_\_\_ and that I have been informed and believe that the said *C. D.* is about to depart from this Island without paying the said debt.

*A. B.* or *E. F.*

Sworn before me this \_\_\_\_\_ }  
day of \_\_\_\_\_ 18 }  
*E. F.*, J. P., Commissioner or Clerk.

### SCHEDULE (T.)

#### FORM OF CAPIAS.

To either of the Constables or Bailiffs of

Capias.

YOU are hereby commanded to take *C. D.*, of \_\_\_\_\_ in whatsoever County he may be found, and bring him before \_\_\_\_\_ to answer to *A. B.*, in an Action for

Hereof fail not.

Given under my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_ 18  
*E. F.*, J. P., Commissioner or Clerk. (L.S.)

### SCHEDULE (U.)

#### RECOGNIZANCE AFTER CAPIAS.

Recognizance  
after Capias.

*A. B.*, Plaintiff, }  
*C. D.*, Defendant, } WE, *E. F.* and *G. H.* do jointly and severally undertake to produce the body of the said *C. D.* at the sitting of the Court of Commissioners at \_\_\_\_\_ in this County, on the \_\_\_\_\_ day of \_\_\_\_\_ next, to answer the Plaintiff in an Action which he hath commenced, and in default thereof, we, or one of us, will pay to the said Plaintiff what shall be then and there adjudged to him for Debt and Costs.

Taken and acknowledged }  
before me, this \_\_\_\_\_ } *E. F.*  
day of \_\_\_\_\_ 18 } *G. H.*  
*J. K.*, J. P., Commissioner or Clerk.

### SCHEDULE (V.)

#### FORM OF EXECUTION AGAINST THE BAIL.

Execution  
against Bail.

WHEREAS Judgment hath been awarded in favor of *A. B.*, as well against *C. D.*, for the Sum of \_\_\_\_\_ Debt, and Costs of Suit, as against *E. F.* and *G. H.*, who failed to produce the body of the said *C. D.*, as they had



undertaken to do: These are, therefore to command you that you levy from the Goods and Chattels of the said *C. D.*, *E. F.*, and *G. H.*, the sum of \_\_\_\_\_ (and for want thereof that you take the bodies of the said *C. D.*, *E. F.*, and *G. H.*, and them commit to the Jail of \_\_\_\_\_ there to remain until they pay the same, or be discharged by *A. B.*, or otherwise, by order of law.)\*

Given under my Hand and Seal this \_\_\_\_\_ day of 18  
*J. K.*, *J. P.*, or Clerk. (L. S.)

\* In Executions issued in all Actions commenced after the first day of April, one thousand eight hundred and sixty-one, this passage between the parenthesis must be omitted where the levy marked thereon does not exceed Ten Pounds.

SCHEDULE (W.)

FORM OF RECOGNIZANCE TO BE GIVEN IN CASES OF APPEAL.

*A. B.*, Plaintiff. }  
*C. D.*, Defendant. } WE, *E. F.*, and *G. H.*, do jointly and severally undertake that if the said *C. D.* shall not cause to be given a Recognizance for Appeal in this case, in manner and form, and within the time by law prescribed, or duly render himself to the custody of *J. K.*, (here insert the name of the Justice of the Peace or Commissioner before whom the cause was tried); we, or one of us, will pay the amount of Judgment and Costs awarded in this Suit.

Recognizance  
in case of ap-  
peal after  
Capias.

Taken and acknowledged before { \_\_\_\_\_ *E. F.*  
me, this \_\_\_\_\_ day of 18 } \_\_\_\_\_ *G. H.*  
*J. K.*, *J. P.*, or Commissioner.

SCHEDULE (X.)

FORM OF CAPIAS WHEN THE DEBT EXCEEDS TWENTY POUNDS.

To either of the Constables or Bailiffs of

YOU are hereby commanded to take *A. B.*, of \_\_\_\_\_ in whatsoever County he may be found, and bring him before me, that he may give security for his appearance at the next Term of Her Majesty's Supreme Court, to answer *C. D.* in an Action for \_\_\_\_\_ Hereof fail not.

Capias when  
the debt ex-  
ceeds £20.

Given under my Hand and Seal at this \_\_\_\_\_ day of 18  
*E. F.*, *J. P.*, Commissioner or Clerk.

(L.S.)

SCHEDULE (Y.)

FORM OF BAIL BOND.

KNOW all Men by these Presents, That we \_\_\_\_\_ are held and firmly bound to \_\_\_\_\_ Esquire, Sheriff of \_\_\_\_\_ County, in Prince Edward Island, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators or Assigns, for which Payment, to be well and

Bail Bond to  
Sheriff.

truly made, we bind ourselves, and each of us for himself, our and every of our Heirs, Executors, and Administrators, firmly by these Presents, Sealed with our Seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ Year of the Reign of our Sovereign Lady the Queen, and in the year of our Lord one thousand eight hundred and \_\_\_\_\_

The condition of this Obligation is such, that if the above bounden \_\_\_\_\_ do appear before Her Majesty's Supreme Court of Judicature, to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ to answer \_\_\_\_\_ of a Plea; and also to a Declaration of the said \_\_\_\_\_ to be exhibited against the said \_\_\_\_\_ on his cause of Action, then this Obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered, } \_\_\_\_\_ (L. S.)  
in presence of } \_\_\_\_\_ (L. S.)

SCHEDULE (Z.)

FORM OF PRECEPT TO SHERIFF.

To the Sheriff of \_\_\_\_\_ County:

Precept to Sheriff.

YOU are hereby commanded to receive herewith into your custody the body of *C. D.*, and him safely keep, so that you have him before Her Majesty's Supreme Court of Judicature, on the \_\_\_\_\_ day of \_\_\_\_\_ next coming, to answer *A, B.* in a plea, as by his Declaration, hereafter to be filed, shall appear. Hereof fail not.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18

*E. F., J. P., or Commissioner (L. S.)*

By Oath, for the Sum of £ \_\_\_\_\_

SCHEDULE NUMBER (1.)

RECOGNIZANCE FOR PAYMENT OF DEBT ON A REHEARING.

*A, B.* Plaintiff and }  
*C. D.* Defendant }

Form of Recognizance for payment of debt on rehearing.

WE *E. F.* and *G. H.* do jointly and severally undertake that if a rehearing be granted to the said *C. D.* in this suit, and judgment be thereupon finally given against him, and that if he the said *C. D.* shall hereafter be found to have assigned or encumbered or put away any of his Goods or Chattels with the view of defeating the Plaintiff's said Judgment so already obtained, or his body shall not be forthcoming, to be taken in Execution on the Judgment finally given against him, we or one of us, will well and truly pay and satisfy such final Judgment and Costs.

Taken and acknowledged before me } *E. F.*  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 } *G. H.*  
\_\_\_\_\_ Clerk }

## CAP. XVII.

An Act to establish a College in Prince Edward Island under the name and style of "The Prince of Wales College," and to repeal certain Acts therein named.

[Passed 2nd May, 1860.]

**W**HEREAS by the Act of the General Assembly of this Island, passed in the tenth year of the reign of His last Majesty King George the Fourth, chapter nine, intituled "An Act for the establishment of an Academy in Charlottetown," certain persons therein named were incorporated under the name of the "Trustees and Governors of the Central Academy;" and the said Academy thereby established under the management and control of the said Trustees and their successors in office, has since continued in operation, and been the only principal Institution of learning in this Island: And whereas our Educational Institutions are not complete without a High Seminary or College, in which a first class mathematical, classical and philosophical Education may be obtained; and it is not desirable that the natives of this Colony should have to seek in other lands the attainment of a collegiate education; and it is considered that the aforesaid objects and advantages would be obtained and secured, and the interests of Education generally throughout the Island greatly promoted, if the said Academy were raised to the character and incorporated with the style and privileges of a College:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the Building in Charlottetown known as the Central

Name of Col-  
lege.

Lieut. Govern-  
or with consent  
of Council to  
fit up College.

Academy aforesaid, shall hereafter be called and known as “The Prince of Wales College;” and it shall be lawful for the Lieutenant Governor, and he is hereby authorized, by and with the advice and consent of Her Majesty’s Executive Council of this Island, to cause the same to be fitted up and rendered suitable for the purposes hereinafter set forth.

Lieut. Govern-  
or to appoint  
ten Trustees,  
&c., of College.

II. It shall be lawful for the Lieutenant Governor, and he is hereby empowered and required at an early period after the passing of this Act, by and with the advice and consent aforesaid, to nominate and appoint ten persons, (two of whom shall be Members of Her Majesty’s Executive Council aforesaid, and five of whom shall be Members of the House of Assembly of this Island), which said persons, together with the Chief Justice, the President of the Legislative Council, and the Speaker of the House of Assembly, (which last named three persons shall be *ex officio* Trustees), shall be Trustees and Governors of the said College; and the Lieutenant Governor shall, by and with the advice aforesaid, and by Letters Patent, under the Great Seal of this Island, incorporate the aforesaid persons so appointed Trustees as aforesaid, and their successors in office respectively, to be a body politic and corporate in deed and in name by the name and style of the Trustees and Governors of the Prince of Wales College in Prince Edward Island; and by the same name they shall have perpetual succession, and a common seal, and shall be capable in law to sue and be sued, implead and be impleaded, in all Courts and places whatsoever; and they and the major part of them shall have power from time to time to choose from among themselves a President and other officers, as by the

*Ex officio* Trus-  
tees.

Name of Trus-  
tees.

Power of Trus-  
tees.

said Letters Patent shall be directed, and make such By-laws, Rules and Ordinances for the regulation and general management of the said College, and from time to time to revoke or alter the same as they or the major part of them shall deem expedient, and to assemble together when, where and as often and upon such notice, as to them shall seem fit, for the execution of their trust; and shall also have full power and capacity to purchase, receive, take, hold and enjoy for the use and benefit of the said College as well grants of public money, legacies, goods and chattels, as lands, tenements and hereditaments.

III. Two of the Trustees to be appointed by virtue of this Act, not being ex officio Trustees, shall go out of office annually, commencing with the two senior Trustees in office; and the Lieutenant Governor, by and with the advice aforesaid, shall have power, and he is hereby required, to re-appoint the said two Trustees, or either of them, if he shall see fit, with the advice aforesaid, so to do, or to appoint two other Trustees in their stead.

Two Trustees to go out of office annually commencing with the two Senior.

How such vacancies to be filled up.

IV. In case of the removal, death, resignation, absence from the Island, or otherwise, of any of the said Trustees so to be appointed by virtue of this Act, other than and besides those mentioned in the last preceding section as going out of office annually, it shall and may be lawful for the Lieutenant Governor in Council, and he is hereby required, to nominate and appoint other Trustees, belonging to the same body, or of the same status or class as the persons so removed, dying, resigning, absent from the said Island, or otherwise, respectively belonged to.

On removal; death, &c., of Trustees, vacancies how filled up.

V. The said College shall consist of two

College to consist of two Professors.

Lieut. Governor in Council to appoint two Professors.

Qualifications of Professors.

Chairs or Professorships, and so soon as this Act shall go into operation, or as soon thereafter as the aforesaid building shall be fitted up, repaired, completed and furnished, and ready to be opened and used for the purposes of the College, the Lieutenant Governor in Council shall have power to appoint two Professors to the said Chairs or Professorships—one of whom shall be a Professor of the Greek and Latin Classics, with the French and German languages, also Mathematics and Natural Philosophy—and the other a Professor of Metaphysics, Logic, Rhetoric, Political Economy and History; and who shall also be competent to teach the higher branches of the Classics—the latter to have priority in point of status—and both to possess First Class Certificates of qualifications, and if practicable, Diplomas from the Senatus of one or more of the Colleges or Universities of Great Britain or Ireland, or any of the British Provinces of North America.

Salaries of Professors,

when and how payable.

VI. There shall be paid to each of the said Professors, as salary, the sum of three hundred pounds per annum of lawful money of the said Island, the same to be paid quarterly, to commence from the time of the appointment of the said Professors, and to be drawn by Warrant, under the hand and seal of the Lieutenant Governor, upon the Treasurer of this Island, on the production to the Lieutenant Governor of a Certificate under the hands of the said Trustees, or a majority of them, of the said Professor, or Professors, conducting himself, or themselves, to the satisfaction of the said Trustees.

Trustees, &c., empowered to remove Professors, and to expel, &c., Stu-

VII. The said Trustees and Governors, or the major part of them, shall have power to remove the said Professors, or either of them, in case they shall think fit, and expel or suspend

any of the Students of the said College who shall offend against the By-laws, Rules, Regulations or Ordinances by them made for the due governance of the said College.

dents for misbehaviour.

VIII. At all meetings of the said Trustees and Governors of the said College, five shall be a quorum.

Five Trustees to be a quorum.

IX. No Clergyman, Pastor or Minister of any sect or denomination of Christians, having the spiritual charge of any Parish or Congregation, shall be eligible or be appointed Professor in the said College.

No Clergyman having charge of a congregation eligible as a Professor.

X. The Lieutenant Governor for the time being shall be the Patron and Visitor of the said College.

Lieut. Governor to be Patron, &c., of College.

XI. The fees of tuition to be paid by the Students attending at the said College for the several branches of Education taught therein, shall be fixed and established at such rates as the Trustees and Governors of the said College shall, from time to time, hereafter deem just and reasonable: Provided always, that Students from any part of the said Island, living beyond the precincts of the Town and Royalty of the City of Charlottetown, shall be liable to the payment of but one half the fees or rates of tuition to be paid by Students residing within Charlottetown or the Royalty thereof.

Tuition fees to be fixed by Trustees, &c., of College.

Amount of fees paid by Students living out of Town and Royalty of Charlottetown.

XII. The tuition fees paid by the Students at the said College shall be apportioned one-half between the said Professors, and the other half to be paid into the general Treasury of this Island, to form a fund towards the repairs of the said College.

Tuition fees how appropriated.

XIII. There shall be six Scholarships established in connection with the said College, and

Six Scholarships to be es-

Established of  
£20 each.

Selection of  
candidates for  
Scholarships  
how to be made.

Privileges of  
pupils selected  
for Scholar-  
ships.

Vacancies in  
Scholarships  
how filled up.

Endowment to  
such, how and  
when paid.

the endowment to each of such Scholarship shall be twenty pounds per annum, payable from the Treasury of this Island, and the candidates for such Scholarships shall be selected in the following manner, namely: the School Visitor, as soon as conveniently may be, after the said College shall be opened, shall select six youths from each of the several Counties in this Island (such selection to be made with the consent and approval of the parents), and from such candidates the Board of Education shall, upon due examination, choose two for each County, which said pupils so chosen shall, besides enjoying the privilege and benefit of such endowment as aforesaid, be entitled to the privilege of being taught gratis at the said College in any or all of the branches of learning taught therein, for a period not exceeding two years for each pupil or student so chosen as aforesaid; and upon a vacancy occurring at any time in any of such scholarships, the same shall be filled up in way and manner hereinbefore provided, it being the duty of the School Visitor in such last mentioned case to select three candidates from the County for which such vacancy may have occurred, from which one pupil or student shall be chosen in the manner aforesaid.

XIV. The endowment to such Scholarship as aforesaid shall be paid in half yearly payments to or for the benefit of the pupils who shall become entitled thereto respectively, upon their producing each a Certificate of the Professor under whom he shall have studied, that he has attended at the said College for six months previously, and also a Certificate of at least three of the said Trustees, approving of the general conduct of such student respectively while so attending.

XV. The Lieutenant Governor shall have



power to call meetings of the said Trustees whenever he may think proper so to do, and have such other powers, control and authority in and over the said College, as Governors of Colleges usually have and enjoy.

Powers of  
Lieut. Govern-  
or over College.

XVI. So soon as the Lieutenant Governor in Council shall appoint and incorporate the Trustees and Governors of the said College as hereinbefore pointed out, the Act of the tenth year of the reign of His late Majesty King George the Fourth, chapter nine, the Act of the sixth year of Her present Majesty's reign, chapter twenty-one, and so much and such parts of all other Acts of the General Assembly which relate to the Academy aforesaid, or which are contrary to or inconsistent with this Act, shall be, and the same are hereby repealed.

On appoint-  
ment, &c., of  
Trustees of  
College, Acts  
of 10 Geo. 4,  
cap. 9, and 6th  
Vic., cap. 21,  
and other Acts  
inconsistent  
with this Act,  
to be repealed.

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### CAP. XVIII.

An Act to prevent the running at large of Horses, Neat Cattle and Sheep, within the Royalty of Charlottetown.

[ Passed May 2, 1860. ]

**W**HEREAS the running at large of Horses, Neat Cattle or Sheep, within the Royalty of Charlottetown, is attended with injury and annoyance to the inhabitants resident therein.

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any such Beast or Beasts as aforesaid, to go at large within the Royalty of Charlottetown aforesaid.

No Beasts to go  
at large within  
the Royalty of  
Charlottetown.

Hog Reeve within the Royalty to take up Beasts going at large, and impound the same.

Reeve to provide food for such Beasts while impounded, &c.

How Hog Reeve to proceed in order to sell stray Beasts.

II. It shall be the duty of any one or more of the persons annually appointed to serve the office of Hog Reeve within the said Royalty, and they are hereby required to seize and take up any such Beast or Beasts as aforesaid, found going at large beyond the premises or enclosures of the owner or owners thereof, and impound the same on his or their own premises; and it shall be the duty of such Reeve or Reeves also to find and provide for such Beast or Beasts, after the same shall be so impounded, all necessary food, substance and shelter until such time as the same shall be sold or reclaimed as hereinafter mentioned.

III. When any such Beast or Beasts as aforesaid shall be so seized and taken up, it shall be the duty of the Hog Reeve or Hog Reeves as aforesaid, forthwith to notify the owner or owners thereof, if he or they shall be known; and if such owner or owners shall not redeem the same within forty-eight hours after notice thereof shall be so given; or in case the owner or owners thereof be not known, shall advertise such Beast or Beasts to be sold at Public Auction, on the Market Square in the City of Charlottetown, by giving at least six days' notice to that effect by written or printed handbills, posted up in three or more of the most public places in the said Royalty, and also by posting up like notices in at least two places in Charlottetown, one of which notices shall be posted on the Market House and the other on the City Hall thereof, each of such notices as aforesaid to contain a particular description of such Beast or Beasts by the marks and apparent age of the same, and also the time and place, when and where the same shall be sold, in case such Beast or Beasts shall not be previously redeemed by the

owner or owners, and the expenses thereon duly paid: Provided, that before such sale the said Reeve or Reeves shall, within two hours before the time named for the same, cause such Beast to be duly cried by the Bell-man in the streets of Charlottetown.

IV. After the expiration of the six days as aforesaid, if such Beast or Beasts be not in the meantime redeemed by the owner or owners thereof, the said Reeve or Reeves shall sell and dispose of the same at Public Auction, to the highest bidder therefor, in accordance with the aforesaid notice; and the proceeds of such sale, when recovered, after deducting the amount of expenses, which shall be according to the scale hereinafter prescribed, shall be paid over to the Secretary of the Royal Agricultural Society, to be paid by him (when demanded) to the owner or owners of the said Beast or Beasts, if demanded within six months after the sale; and if not so demanded within that time, then to be paid into the Treasury of this Island, for the use of Her Majesty's Government: Provided always, that at any time previous to the sale of such Beast or Beasts as aforesaid, the owner or owners thereof shall be entitled to the delivery and possession of the same upon paying or tendering to the said Reeve or Reeves having the custody and care thereof, the amount allowed by this Act for the care and sustenance, and the expenses of advertising such Beast or Beasts, which said amount, in case of dispute respecting the same, shall be ascertained and determined by a Justice of the Peace for the County, in presence of the said parties, after forty-eight hours' notice in writing being given by either party, and at a time and place for that purpose to be appointed by the said Justice; and in case the party or

Beast to be sold after expiration of 6 days' notice, if not redeemed in the meantime.

Proceeds of Sale how disposed of.

Owner redeeming stray Beast to pay all expenses for the care and advertising of such Beast.

Dispute respecting amount of expenses, how to be determined.

parties entitled to receive such amount shall be dissatisfied with such sum as shall be awarded to him or them by such Justice, then, upon tender and refusal thereof, the said Justice shall and may make an order directed to any Constable or Constables of the County, commanding him or them to take possession of said Beast or Beasts, and deliver the same to the said owner or owners thereof, and also to levy by Distress and sale of the goods and chattels of the person so detaining the said Beast or Beasts, the costs of the said last mentioned order and of the execution thereof.

Mode of enforcing Justice's order.

Any person may impound Horses, &c., going at large within the Royalty of Charlottetown in the City Pound.

Notice to be given to the owner, &c.

V. It shall be lawful for any person or persons other than and besides such Reeves as aforesaid, to take up and impound, or cause to be taken up and impounded in the City Pound, all Horses, Neat Cattle and Sheep found going at large within the said Royalty of Charlottetown, and shall immediately thereafter give notice or information thereof to the owner or owners, if known, who shall be entitled to have the same restored to his or their possession, on paying the Pound fees thereon as allowed by law.

Any Reeve refusing to perform his duty to forfeit 20 shillings.

VI. Any such Reeve as aforesaid who shall refuse or neglect to perform the duties by this Act imposed upon him, in not taking up all Horses, Neat Cattle and Sheep found going at large as aforesaid, within the said Royalty of Charlottetown, or in not disposing of the same in manner therein prescribed, shall forfeit and pay for every such refusal or neglect the sum of twenty shillings, to be recovered in manner hereinafter mentioned.

Persons obstructing Reeves liable

VII. All persons in any way or manner obstructing any of the Reeves in the lawful execution of his duty, imposed by this Act,

shall forfeit and pay for every such offence a sum not exceeding forty shillings, nor less than ten shillings, to be recovered in manner hereinafter mentioned.

to Fine.

VIII. All fines and forfeitures imposed by this Act shall be paid one-half thereof into the Treasury of this Island, and the other half to the Reeve or other person who shall prosecute for the same.

Fines under this Act how appropriated.

IX. All fines and forfeitures as aforesaid shall be sued for within thirty days after the commission of the offence for which the same shall have been incurred, and be recovered before any one of Her Majesty's Justices of the Peace for Queen's County within said Island; and the same shall be levied by Warrant of Distress on the goods and chattels of the offender or offenders; and if no goods or chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to prison for a period not exceeding ten days.

Fines under this Act when and how recovered.

X. The Fees to be taken and received under this Act shall be as follows :

Fees under this Act.

Fee to Justice on his award in cases of dispute as to amount to be paid to Reeve for keep of Beast or Beasts, three shillings.

Justices' Fees.

Order for delivery of Beasts after tender and refusal of expenses, one shilling and sixpence.

Constable's Fees executing order, levying Distrees, and sale, the same as shall and may be taken for similar services under the Act of the General Assembly for the time being in force for the recovery of Small Debts.

Constables' Fees.

#### ALLOWANCE TO REEVE.

For each and every day he shall keep a horse,

Allowance to  
Reeve.

seized under this Act, one shilling and six-pence.

For each and every day he shall keep a head of Neat Cattle, one shilling.

For each and every day he shall keep a Sheep, six pence,—the time in each case to be computed from the time of seizure till the time of sale.

For every notice of sale posted up, six-pence.

Meaning of the  
word "Beast,"

XI. Whenever the word "Beast" or "Beasts" is used in this Act it shall be deemed to mean and include all Horses, Neat Cattle and Sheep.

Continuance of  
this Act.

XII. This Act shall continue and be in force for the period of ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

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## CAP. XIX.

An Act to amend the Act to prevent the running at large of Swine in Summerside and vicinity.

[Passed 2nd May, 1860.]

Preamble.

21 Vic., cap.  
10, sec. 1.

**W**HEREAS it is necessary to amend the first section of the Act passed in the twenty-first year of the reign of Her present Majesty, chapter ten, relating to the appointment of Hog Reeves for Summerside and vicinity:

Hog Reeves  
acting under  
21st Vic., cap.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that whenever any Hog Reeve or Hog Reeves appointed

by virtue of said first section of said recited Act shall take up any Swine found running at large, as therein mentioned, it shall be the duty of such Hog Reeve or Hog Reeves, and he and they are hereby required, previous to selling the same at Public Auction, as therein directed, to give at least forty-eight hours' notice of such sale, by handbills posted up in three or more of the most public places within the Districts in the said first section of the said recited Act mentioned and described: Provided that the owner of any Hog so seized shall at any time, within forty-eight hours after the publication of the advertisement for the sale of such Hog, be entitled to have it returned, on payment of the sum of ten shillings to the Hog Reeve; and if the said Hog shall be sold after the said forty-eight hours, then the purchase money thereof, after deducting all just expenses, together with the said fine of ten shillings, shall be paid over to the owner or owners thereof, if demanded within the space of thirty days.

II. The fine imposed by the second section of the hereinbefore recited Act shall, when recovered, be paid into the Treasury of this Island, for the use of Her Majesty's Government.

10, sec. 1, to give 48 hours previous notice of sale of Swine seized by him.

Notice how to be given.

Mode by which owner of any Hog seized may, within 48 hours after notice redeem the same.

After sale after 48 hours' notice, and within 30 days, how redeemed.

Fine under 2nd sec. of 21 Vic., cap. 10, how appropriated.

## CAP. XX.

An Act to enable the Controller of Navigation Laws in this Island to grant and issue Fishery Licences to citizens of the United States, for Vessels built in Prince Edward Island, and owned by them.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS the permitting citizens of the United States engaged in the Fisheries (under certain restrictions hereinafter contained) to own Vessels built in this Island, would tend greatly to increase the trade and revenue of this Island:

The manner and conditions upon which a Fishing Licence may be granted to a citizen of the United States.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, that on any citizen of the United States producing to the Controller of Navigation Laws in this Island a Builder's Certificate, the Surveyor's Certificate of Admeasurement, and making a declaration of ownership for any Vessel built in this Island, not exceeding the burthen of one hundred and fifty tons, and not previously registered as a British Ship, it shall be lawful for the Controller of Navigation Laws in this Island, and he is hereby authorized, to grant to any person or persons, being citizens of the United States, "Fishing Licence" in the form following:

PRINCE EDWARD ISLAND FOREIGNER'S  
FISHING LICENCE.

Form of  
Foreigner's  
Fishing  
Licence.

No. of Ship.	Date of Licence.
Name of Ship.	When and where built.
No. of Decks,	Build,
No. of Masts,	Galleries,
Rigged,	Head,
Stern,	Frame Work.



## MEASUREMENTS.

	Feet.	Tenths.
Length from the fore-part of the Stem under the bowsprit to the after side of the head of the stern-post,		
Main breadth to outside plank,		
Depth in hold from tonnage deck to ceiling at midships,		
Name and address of Builder.		

## TONNAGE.

Tonnage under Deck,  
 Closed in spaces above the Tonnage Deck, if any, viz:  
 Spaces between Decks,  
 Poop,  
 Round House,  
 Other enclosed spaces, if any, naming them.  
 Total tonnage,

I, the undersigned Controller of Navigation Laws of the Port of Charlottetown, in Prince Edward Island, do hereby certify that the Ship, the description of which is prefixed to this my Certificate, (given under and by virtue of an Act of the General Assembly of Prince Edward Island, passed in the \_\_\_\_\_ year of the reign of Queen Victoria, intituled "An Act to enable the citizens of the United States to own Vessels built in this Island, in certain cases,") has been duly surveyed, and that the above description is true, that \_\_\_\_\_ is the Master of the said Ship, and that the name, residence and description of the owner, and number of sixty-fourth shares held by \_\_\_\_\_ are as follows:

Name and residence of the owner.	Number of sixty-fourth shares.

Provided, and it is expressly understood, that this Certificate is only intended to give the above named \_\_\_\_\_ the legal ownership or title in the above named Ship, for the purpose of carrying on the fishery in such manner as foreigners are entitled to carry on the same, and business connected therewith, according to the provisions of the above recited Act, and that, with that exception, the said Ship is not entitled to the privilege of a British Ship, but only to such rights and privileges as foreign Ships are entitled to in British waters.

Dated at Charlottetown this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

II. Be it further enacted, that the Controller of Navigation Laws in this Island shall keep a Book, to be called the "Record of Fishing Licences," and enter therein such particulars relating to Ships licensed under this Act.

Controller of Navigation Laws to keep a record of Fishing Licences.

III. Be it further enacted, that on transfer by Bill of Sale of shares in Vessels recorded under this Act, the same, on presentation to the Controller of Navigation Laws, shall be duly entered on such Record by him, and such entry shall be endorsed on the Fishing Licence.

Controller to enter on record transfer of shares of vessels recorded under this Act, and endorse same on Licence.

IV. Be it further enacted, that the Licence granted to any Ship under this Act shall not entitle any persons on board such Vessel to use the British Flag, or to assume a British national character; but such Ship shall, nevertheless, be subject to all the provisions, regulations and liabilities to which British Ships are by law subject, so long as such Ship shall be in British waters or in British possessions.

Vessels licensed under this Act not to use the British Flag, &c.

While in British waters, &c., to be subject to same regulations as British ships.

V. Be it further enacted, that on any Ship, for which a "Fishing Licence" has been issued and recorded under this Act, becoming the

Vessel licensed under this Act, becoming the

property of a British subject, may, on the surrender of such Licence to the Controller of Navigation Laws, and in compliance with the provisions of the Imperial Act of Parliament, called "The Merchant Shipping Act," be registered in this Island as a British Ship.

property of a British subject, how to be registered as a British Ship.

VI. Be it further enacted, that the term "Ship" in this Act shall include every description of Vessel used in Navigation, not propelled by oars, and not exceeding one hundred and fifty tons burthen.

Meaning of the term "Ship."

VII. The Controller of Navigation Laws shall receive the sum of ten shillings for every Fishing Licence granted under the provisions of this Act, from the person to whom the same is granted; and the same to be accounted for by the Controller to the Government of this Island.

Fee for granting licence.

How to be appropriated.

VIII. Nothing in this Act contained shall have any force or effect until Her Majesty's assent thereto shall be signified, and the notification thereof shall have been published in the *Royal Gazette* newspaper of this Island.

Suspending clause.

CAP. XXI.

An Act to amend the Act for the purchase of Lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, and for other purposes therein mentioned.

[Passed 2nd May, 1860.]

WHEREAS the forty-seventh section of the Act made and passed in the sixteenth year of the reign of Her present Majesty, inti-

Preamble.

tuled "An Act for the purchase of Lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, and for other purposes therein mentioned," requires amendment:

47th section of Land Purchase Act to extend to cases where in default made in payment of purchase money, &c., of land sold by Commissioner, although purchaser not signed his Deed, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: That the provisions of the forty-seventh section of the said Act shall extend to and embrace all cases wherein default has been made, or shall hereafter be made, in the payment of the purchase money or the interest thereof, or any part thereof, of any Lands sold by the Commissioner of Public Lands under and by virtue of the said Act, although the purchaser or purchasers may not have signed, taken out or received his, her or their Deed or Deeds from the said Commissioner of Public Lands, anything in the said Act to the contrary notwithstanding; and in all cases where the purchaser or purchasers may not have signed, taken out or received his, her or their Deed or Deeds, it shall not be necessary for the Commissioner of Public Lands to insert the words "and the date of the Deed" in any advertisement or advertisements notifying such default or defaults.

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## CAP. XXII.

An Act for the protection of the Salmon Fishery.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS it is deemed expedient to protect and foster the Salmon Fishery of this Island :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows : That the fifth, sixth and seventh sections of the Act passed in the fifteenth year of the reign of Her present Majesty Queen Victoria, intituled “An Act relating to the Alewives and other Fisheries, and the appointment of Protectors or Overseers of Fisheries, and to prohibit the taking of Salmon after a certain period of the year, and for certain purposes therein mentioned,” be, and the same are hereby repealed.

5th, 6th and 7th section of 15th Vic., relating to Alewives and other Fisheries, &c. repealed.

II. That no Salmon shall be taken or caught on the coast of this Island, nor in any of the Bays, Rivers or Harbours, or in any fresh water Stream or River thereof, after the thirty-first day of August in any year, nor between sunset on any Saturday night and sunrise on the following Monday morning, nor in any place at any time by spearing, nets or seines, between the thirty-first day of August in any year and the first day of April ensuing; nor shall any person sell, or offer for sale, or purchase between the said last mentioned days, any Salmon taken or caught by spearing, nets or seines, between the said thirty-first day of August and the first day of April in any year.

No Salmon to be caught, sold or purchased after 31st of August in any year, &c.

III. Any person guilty of a breach of any of the provisions of this Act shall, for each offence, forfeit a sum not exceeding five pounds, and not less than one pound, the same to be recovered, with costs, on the oath of one credible witness, before any one of Her Majesty's Justices of the Peace: and the said fine and costs shall be paid to the party who may sue for and recover the same; and if goods and chattels cannot be found whereon to levy such fine and costs, then the offender shall be committed to the Jail of the

Penalty for a breach of any of the provisions of this Act, and mode of recovery thereof.

County wherein the offence was committed for a period not exceeding thirty days.

Continuance of Act. IV. This Act shall continue and be in force for ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

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### CAP. XXIII.

An Act to amend the Laws relating to Bills of Lading.

[Passed 2nd May, 1860.]

Preamble. **W**HEREAS by the custom of Merchants a Bill of Lading of Goods being transferable by endorsement, the property in the goods may thereby pass to the Endorsee, but, nevertheless, all rights in respect of the contract contained in the Bill of Lading continue in the original shipper or owner; and it is expedient that such rights should pass with the property; and whereas it frequently happens that the goods in respect of which Bills of Lading purport to be signed have not been laden on board; and it is proper that such Bills of Lading in the hands of a bona fide holder for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

Consignee of Goods and Endorsee of a Bill of Lading to have same rights of suit, &c., as if con-  
 I. Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in goods therein mentioned shall pass upon, or by reason of such consignment or endorsement shall have trans-

ferred to and vested in him, all rights of suit, and be subject to the same liabilities in respect of such goods, as if the contract contained in the Bill of Lading had been made with himself.

tract made with himself.

II. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Right of stoppage in transitu, &c., not affected by this Act.

III. Every Bill of Lading in the hands of a consignee or endorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods, or some part thereof, may not have been so shipped, unless such holder of the Bill of Lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board; provided that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper or of the holder, or some person under whom the holder claims.

Bill of Lading in hands of Consignee or Endorsee for valuable consideration to be conclusive evidence of goods having been shipped against party signing the same.

Exceptions.

## CAP. XXIV.

An Act to authorize grants of the Shores of this Island.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS commercial enterprise in this Island would be much encouraged by the granting to public companies or private individuals parts of the hitherto ungranted sea shore of this Island, or the shores along the Bays and Rivers thereof, for the sites of Breakwaters, Wharfs, Slips and other such useful purposes—**B**é it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, namely :

Governor in Council authorized to issue grants of portions of the sea shores, &c., with or without conditions.

**I.** It shall be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to cause to be issued in Her Majesty's name, and under the seal of this Island, from time to time, as shall appear necessary, to any Corporation, Public Company, or private person or persons any grant in fee or for life or lives, or any lease for any term of years at any reserved rent of any part or parts of the hitherto ungranted portions of the sea shore of this Island, or the shores of the Bays and Rivers thereof, and with or without and subject or not to any conditions, restrictions or limitations to be contained in such grants or leases, and at and for such price, consideration or yearly rent to be expressed in such grants or leases as to the Lieutenant Governor in Council shall appear just and reasonable.

The Government authorized to impose

**II.** The Government of this Island shall have power, and it is hereby authorized to impose upon any such Grantee or Lessee of any part of



the coasts or shores of this Island under this Act, all such conditions as may be deemed necessary to protect the rights of the public in and to any public highway which may have been acquired by use or otherwise along the shore or coast where any such grant or lease may be made.

conditions on any grantee or lessee to protect the rights of the public in and to any highway.

III. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known and published in this Island.

Suspending clause.

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## C A P. XXV.

An Act to increase the amount authorized to be loaned by the Land Purchase Act.

[Passed 2nd May, 1860.]

**W**HEREAS it is deemed necessary to give the Lieutenant Governor in Council power to increase the amount of money authorized to be loaned for the purchase of Lands in and by the twelfth section of the Act passed in the sixteenth year of the reign of Her present Majesty, chapter eighteen:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that in addition to the sum or loan of Thirty Thousand Pounds mentioned in the said section of the above mentioned Act, it shall be lawful for the Lieutenant Governor in Council to authorize and direct the Treasurer of this Island to borrow and receive from any person or persons, bodies corporate or politic, the further sum of Ten Thousand Pounds of lawful money of this Island, for the like purposes, and under and subject to the same rules, conditions and enactments as are prescribed in the said recited Act.

Governor in Council authorized to borrow £10,000 in addition to the sum of £30,000 authorized by 12th section of 16th Victoria, cap. 18.

## CAP. XXVI.

An Act to authorize the City of Charlottetown to appropriate a certain piece of Land as a site for a Public Market House.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS a Public Market House has for many years past been maintained on Queen Square, in Charlottetown, for the exhibition and sale of Butcher's Meat, Butter, Poultry, Fruit, and the various articles of Agricultural Produce, brought from all parts of this Island, and the said Building having become decayed and insufficient in size for the increased number of persons resorting thither, a new one of a more commodious size is about to be erected by the City of Charlottetown, and it is necessary to authorize the said City of Charlottetown to lay off and appropriate some certain and convenient site for such Building on Queen Square, or on the Public Ground adjoining the said Square on the West, originally reserved for Public Buildings:

Surveyor General by order of Mayor and Council to lay off site for a Market House immediately adjoining Western end of Queen Square.

**I.** Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that it shall be lawful for the Surveyor General of this Island to measure and mark out any part of the open area or parcel of ground originally intended for the site of Public Buildings, immediately adjoining the Western end of Queen Square, in Charlottetown, as and for a site for a Public Market House, the same to be laid off in such particular part of the said open area or parcel of ground as shall be chosen and ordered by the Mayor and Council of the said City: **Provided**

that the said site, so to be laid off, shall not exceed in the whole thirty-two thousand square feet of ground, and that the same shall be either square or oblong in form, and be laid off nearly as can be at right angles with the sides and ends of the said Queen Square.

II. When laid off as aforesaid, the Surveyor General shall draw a plan and set forth a written description of the said site, with the date of the survey thereof, which description shall be registered on the acknowledgement of the said Surveyor General in the Office of the Registry of Deeds; and the plan and original description shall be there kept with the other plans deposited in that Office.

Surveyor General to draw a plan, &c., of site and register the same in office of Registrar of Deeds.

III. Immediately upon the said site being so laid off, the piece of ground therein comprised shall be, and is hereby declared to be, vested in the City of Charlottetown, and shall and may be held by the said City of Charlottetown, and its assigns, forever, as and for a site for a Public Market House for the sale and exhibition of Butcher's meat, and such other articles and commodities as shall be permitted under such Bye-laws or Rules and Regulations as shall from time to time be prescribed by the Mayor and Council of the said City of Charlottetown.

Site after laid off to vest in City of Charlottetown for ever as a site for a Public Market House.

IV. It shall be lawful for the said City of Charlottetown to authorize the erection of stages or temporary sheds for building purposes on the grounds adjoining the said site, to be continued so long as the said Market House shall be in course of erection, and such stages or sheds shall be necessary for such purposes.

Authority to City of Charlottetown to erect stages, &c., during building of Market House.

V. So soon as the said Market House shall be erected and finished, the present "Old Market House" shall be pulled down or removed

Old Market House to be pulled down,

&c., on erection  
of new one.

and disposed of in such manner and for such purposes as the Mayor and Council of the said City shall order and direct.

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C A P. XXVII.

An Act for the better apprehension of certain offenders.

[Passed 2nd May, 1860]

Preamble.

**W**HEREAS it is expedient to make effectual provision for the apprehension and trial of offenders who may have escaped from any of the British Colonies in North America, the Bermudas and British West India Islands, where the offences have been committed, into this Island:

Offender's from  
British Colonies in  
America, &c.,  
escaping into  
this Island may  
be apprehended.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act if any person charged with having committed any offence such as is hereinafter mentioned against the Laws of any of the said British Colonies in North America, the Bermudas and British West India Islands, and against whom a Warrant shall have been issued for such offence by any person having lawful authority to issue the same within any of the said British Colonies where such offence shall have been committed, shall be in any place within this Island, it shall be lawful for the Chief Justice, or any Assistant Judge of Her Majesty's Supreme Court of this Island, to endorse his name on such Warrant, which Warrant so endorsed shall be sufficient authority to the person or persons bringing such Warrant; and also to all persons to whom such Warrant was originally directed; and also to all Con-

stables and other Peace Officers within this Island, to execute the same within the same, by apprehending the person against whom such Warrant is directed, and to convey him before a Magistrate or other person having authority to examine and commit offenders for trial in this Island.

II. And be it enacted, that it shall be lawful for any person duly authorized to examine and commit offenders for trial before whom any such supposed offender shall be brought as aforesaid, upon such evidence of criminalty as would justify his committal, if the offence had been committed within this Island, to commit such supposed offender to Prison, there to remain until he can be sent back in manner hereinafter mentioned to that British Colony in which he is charged with having committed such offence; and immediately upon the committal of such person, information thereof in writing, under the hand of the committing Magistrate, accompanied by a copy of the said Warrant, shall be given in to the Executive Government of this Island; and it shall be the duty of the Colonial Secretary, immediately thereafter, to communicate the said information, accompanied by a copy of the said Warrant, to the Governor or Administrator of the Government for the time being of such British Colony in which the crime is alleged to have been committed: Provided always, and be it enacted, that in every such case copies of the depositions upon which the original Warrant was granted, certified under the hand of the person or persons issuing such Warrant, and attested upon the Oath of the party producing them, to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

Offender may be committed to Gaol until he can be sent back to the place where the offence was committed.

Information of committal to be given.

Copies of depositions may be given in evidence.

Offenders apprehended to be sent to the place where the offence was committed.

III. And be it enacted, that it shall be lawful for the Chief Justice, or any one of the Assistant Judges of the Supreme Court of this Island, by Warrant under his hand and seal, to order any person who shall have been so apprehended and committed to Gaol, to be delivered into the custody of some person or persons, to be named in the said Warrant, for the purpose of being conveyed into the British Colony in which he is charged with having committed the offence; and being delivered up into the custody of the proper authorities there, to be dealt with in due course of law, as if he had been there apprehended; and to order that the said person so committed to Gaol be so conveyed accordingly; and if the said person, after he shall have been so apprehended, shall escape out of any custody to which he shall have been committed as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws of this Island may be retaken upon an escape.

If not sent back within three months after committal, may apply to be discharged.

IV. And be it enacted, that where any person who shall have been committed to Gaol under this Act shall not be conveyed out of this Island within three calendar months after such committal, over and above the time actually required to convey the person from the Gaol to which he was committed, by the readiest way out of this Island, it shall be lawful for the Chief Justice, or any one of the Assistant Judges of the said Supreme Court of this Island, in which said supposed offender shall be in custody, upon application made to him, or them, by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to the Governor, or Administrator of the

Government for the time being, of the Colony in which the person is charged with having committed the offence, to order the person so committed, to be discharged out of custody, unless sufficient cause shall be shewn to such Chief Justice or Assistant Judge why such discharge ought not to be ordered: Provided always, and be it enacted, that it shall not be lawful for the Chief Justice or any of the Assistant Judges of the said Supreme Court of this Island, to endorse his name on any such Warrant for the purpose of authorizing the apprehension of any person under this Act, until it shall be proved to him upon Oath, or by Affidavit certified by a Notary Public, that the seal or signature upon the same is the seal or signature of the person having lawful authority to issue such Warrant, whose seal or signature the same purports to be: Provided also, and be it enacted, that it shall not be lawful for any person to endorse his name upon any such Warrant for the purpose of authorizing the apprehension of any person under this Act, unless it shall appear from the face of the said Warrant that the offence which the person for whose apprehension the said Warrant has been issued, is charged to have committed, is such, that, if committed within this Island, it would have amounted in law to treason or felony.

Proof of the signature of the person issuing the original Warrant.

Warrant not to be endorsed except in cases of treason and felony, &c.

## CAP. XXVIII.

An Act to give effect to the Report of the Commissioners to be appointed on the Land Question.

[Passed 2nd May, 1860 ]

Preamble.

**W**HEREAS the Lands of this Colony, shortly after it was ceded to Great Britain, were granted by His late Majesty King George the Third in large tracts, generally containing twenty thousand acres each, to divers British subjects, and their heirs and assigns respectively, in fee simple; and in the grants or patents by which the said tracts of land were so conveyed, there were contained certain clauses and conditions respecting the time and manner of settling the said lands, and also respecting certain quit rents therein reserved to His said Majesty and his heirs, as well as certain reservations and rights intended for the benefit and encouragement of persons engaged in carrying on the fisheries of this Island: And whereas at different times since the issuing of the said grants, and often during the last thirty years, the legal interpretation and construction of the conditions and reservations contained in the said grants respecting the settlement of the said lands, the right of enjoyment of the said Fishery Reserves, and the payment of the said Quit Rents, have been much questioned, and have greatly occupied and agitated the minds of large numbers of the inhabitants of this Colony: And whereas the final settlement and adjustment of these questions, with a due regard to the rights of all persons whomsoever interested therein, will conduce much towards the peace and contentment of the inhabitants of this Island: And whereas

Recital.



on the ninth day of May, in the year of our Lord one thousand eight hundred and fifty-nine, the House of Assembly of this Island agreed to an address to Her most gracious Majesty the Queen, whercin it was prayed that Her Majesty would be pleased to appoint some fit and proper person or persons as Commissioner or Commissioners to enquire into the relation of Landlord and Tenant in this Island, and negotiate with the Proprietors of Township Lands for the fixing of some certain rate of price at which every Tenant might at any time have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof be paid; and also to negotiate with the respective Proprietors for a remission of the arrears of rent in such cases, and on such Townships as the said Commissioner or Commissioners, from the circumstances of the Tenantry or otherwise, might deem reasonable and expedient; and also to make such report respecting the Fishery Reserve question, and other questions relating to the Township Lands of this Island, as the House of Assembly confidently hoped would effect a final settlement thereof, and prevent all agitation regarding the same in future; which said address was duly forwarded to England and laid at the foot of the Throne: And whereas by a Despatch from His Grace the Duke of Newcastle, Her Majesty's principal Secretary of State for the Colonial Department, bearing date the twenty-first day of March last, and addressed to His Excellency the Lieutenant Governor of this Island, a copy of which has been laid before the House of Assembly, His Grace, after referring to the prayer of the said address of the House of Assembly, and also to a communication received by him from certain Proprietors of

Recital.

Recital

the hereinbefore mentioned Lands on the subject of the said address, was pleased to state as follows, namely: "They (the said Proprietors) suggest therefore, instead, that three Commissioners or Referees should be appointed, one by Her Majesty, one by the House of Assembly, and the third by the Proprietors, and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested that the expense of the Commission should be divided equally between the Crown, the Tenants, and the Proprietors. If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long pending disputes to a termination. But it will be necessary before going further into the matter, to be assured that the Tenants will accept as binding the decision of the Commissioners, or the majority of them; and as far as possible that the Legislature of the Colony would concur in any measures which might be required to give validity to that decision." And whereas in pursuance of the suggestion contained in the said recited Despatch, the House of Assembly on the thirtieth day of April, instant, passed the following Resolution, namely: "Resolved, That this House deem it expedient to concur in the suggestions offered for the consideration of the House of Assembly, as set forth in the Despatch from His Grace the Duke of Newcastle, dated Downing Street, twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty, on the subject of the proposed appointment of a Commission of enquiry for the arrangement of the long pending dispute between the Landlords and Tenants of this Island. The House of Assembly therefore agree to the appointment of

Recital.

“ three Commissioners, one by Her Majesty,  
 “ one by the House of Assembly, and the third  
 “ by the Proprietors, the expenſe of the Com-  
 “ mission to be equally divided between the Im-  
 “ perial Government, the general Revenue of  
 “ the Colony, and the Proprietors. The House  
 “ of Assembly also agree on the part of the  
 “ Tenantry to abide by the de. iſion of the Com-  
 “ miſſioners, or the majority of them, and pledge  
 “ themſelves to concur in whatever meaſures  
 “ may be required to give validity to that deci-  
 “ ſion.” And whercas, in order to maintain  
 good faith with Her Majesty’s Imperial Govern-  
 ment, as well as with the hereinbefore mentioned  
 Proprietors of the ſaid lands, and all other per-  
 ſons intereſted therein, and for the purpoſe of  
 rendering the report or award to be made by the  
 ſaid Commissioners, or by the majority of them,  
 final and concluſive upon all parties to be effect-  
 ed thereby, and to bring to a final end and deter-  
 mination all and ſingular the various differences,  
 diſputes and uncertainties which have heretofore  
 ariſen between Her Majesty’s Government, the  
 Proprietors of the aforeſaid Township Lands,  
 and the Tenants thereon, and all other perſons  
 intereſted in the ſettlement of the ſaid lands, the  
 right to and the uſe of the ſaid Fishery Re-  
 ſerves, and the exaction of the ſaid Quit Rents,  
 it is neceſſary that the award or report to be  
 made by the ſaid Commissioners, or by any two  
 of them, ſhould have an authoritative and bind-  
 ing force and operation:

I. Be it therefore enacted, by the Lieutenant  
 Governor, Council and Aſſembly, that the re-  
 port or award, or one part thereof, to be made  
 by the three Commissioners or Arbitrators, or  
 any two of them, to be nominated and appointed  
 by the ſeveral parties reſpectively, and to be

Report or  
 Award of Com-  
 miſſioners to  
 be delivered to  
 Lieut. Govern-  
 or, who ſhall  
 endorse thereon  
 the day and

year when received, and cause the same to be registered in office for Registry of Deeds, and the original Report or Award, after registry, to be filed in Colonial Secretary's Office.

authorized and empowered by Her Majesty agreeably to or in conformity with the suggestions contained in the hereinbefore recited Despatch of His Grace the Duke of Newcastle, when in all respects signed and completed by the said Commissioners, or any two of them, shall be delivered to the Lieutenant Governor of this Island, who shall endorse thereon, under his own hand and signature, a note of the day and year when received; and it shall thereafter be registered at full length in the office for the Registry of Deeds in this Island, and the original part thereof, after being duly registered, shall be filed and kept in the office of the Colonial Secretary of this Island.

Award to be final and conclusive, and the rights and interests of the Queen in all Township lands to be bound by the same.

II. That the said award, when so completed and delivered to His Excellency the Lieutenant Governor, shall be, and be deemed and taken to be, final and conclusive; and the rights, interests and estates of Her most gracious Majesty the Queen, of, in and to all the aforesaid Township Lands, tenements, hereditaments, in so far as Her Majesty stands seised therein, or vested therewith, on behalf of the Government or inhabitants of this Island; and so far as the said rights, interests and estates shall be submitted to the consideration and determination of the said Commissioners, and the rights, estates, rents, issues and profits of such estates, liberties, franchises and interests of all and every person and persons whomsoever, of, in, to, out of, or concerning the said Township Lands, tenements and hereditaments, whether acquired before or after the making of the said award or report, shall be and become subject to, charged and chargeable with, and bound by the award or report of the said Commissioners, or any two of them, in such manner, and to such extent, and

for such time as shall in the said award or report be awarded, ordered or required.

III. Every person whomsoever whose estate, property or interest shall in any manner be or become affected by the said award or report, shall and may be at liberty to plead the same in any Court of Law or equity in this Island; and every such Court shall admit and allow to every such person the full force and effect of the said award or report, according to the true intent, meaning and operation thereof.

Award may be pleaded by any person whose property or interest is affected by the same.

IV. In case of the death, resignation or incapacity of all or any of the said Commissioners, so to be appointed, before the final making of the said award, a new Commissioner or Commissioners shall be nominated and appointed by the same party or parties respectively who had appointed the Commissioner or Commissioners so dying, resigning or becoming incapacitated.

Right to appoint new Commissioners in cases of vacancies by death or otherwise.

V. In case of any new appointment being required to be made under the above section, in lieu of the Commissioner appointed by the House of Assembly, at a time when the Legislature shall not be in Session, such appointment shall be made by the Lieutenant Governor in Council; and in case of any new appointment being required to be made thereunder in lieu of the Commissioner to be nominated by the said Proprietors of the said Lands, and such new appointment shall not be made, accepted and duly notified in writing to the Government of this Island, within four months next, after a requisition for that purpose, made in writing, and signed by the Lieutenant Governor of this Island, in Council, shall be published in the *Royal Gazette* of this Island, then it shall be lawful for the said Lieutenant Governor in Council, or

Mode of appointing new Commissioners.

the House of Assembly of this Island, if then in Session, to nominate and appoint some fit and proper person as a new Commissioner on behalf of the said Proprietors of the said Lands.

Every new Commissioner to have same powers as his predecessor.

VI. Every new Commissioner so appointed shall be invested with and may exercise the like powers as shall have been or were intended to be exercised by his predecessor.

One-third part of the remuneration of the Commissioners, and of the expenses attending the Commission, to be paid by the Governor in Council, by Warrant on the Treasury.

VII. It shall be lawful for His Excellency the Lieutenant Governor in Council, by Warrant under his hand and seal, to order to be paid out of the Public Treasury of this Island one-third part of what shall be deemed a reasonable remuneration for the services of the said Commissioners, with one-third part of the necessary expenses attending the said Commission; the said third part of said remuneration to be paid to the Commissioner appointed by the House of Assembly on behalf of the Tenantry of this Island.

Suspending clause.

VIII. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

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## CAP. XXIX.

An Act to naturalize Rachel Nichols Gibson.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS Rachel Nichols Gibson, Widow of the late John Gibson, of Charlottetown, in Prince Edward Island, deceased, is a citizen of the United States of America, but intends making this Island her place of permanent residence, and is therefore desirous of

being naturalized, and has given satisfactory assurance that she is willing to assume all the duties and responsibilities which may attach to her in the character of a good and faithful subject of our Sovereign Lady the Queen:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that she the said Rachel Nichols Gibson, so soon after the passing of this Act as she shall take and subscribe the Oath of Allegiance to Her Majesty Queen Victoria, and her successors, shall, within the limits of this Island, be and become and be held and adjudged to be a naturalized subject of Her Majesty, entitled to all the rights and privileges of such subjects as fully as the same rights and privileges can or may be conferred by the Legislature of this Island, and under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of Her present Majesty's reign, intituled "An Act for the naturalization of Aliens." Provided always, that nothing in this Act contained shall have a retrospective effect, or extend or be construed to extend to allow or entitle the said Rachel Nichols Gibson to Dower or Thirds in or out of the Real Estate, or any part thereof, of which the said John Gibson, her late husband, may have died seised or possessed or entitled to, or of which he may have been seised or possessed or entitled to, at any time during the coverture of the said Rachel Nichols Gibson, to the detriment of any mortgage or judgment claims against the Estate of the said John Gibson.

Rachel Nichols Gibson naturalized as a British subject within the limits of this Island.

Proviso, that nothing in this Act contained shall entitle Rachel Gibson to Dower out of Real Estate of John Gibson to the detriment of any Mortgage Judgment.

II. The said Rachel Nichols Gibson shall take and subscribe, in duplicate, the Oath of Allegiance before a judge of the Supreme Court, in open Court, who shall attest the same.

Oath of Allegiance how taken.

Copies of the Oath how and where filed.

III. One copy of the Oath shall be filed by the Officer of the said Supreme Court, who shall receive therefor, and for making the duplicate, the sum of Five Shillings, and he shall forthwith transmit the said duplicate under his hand and the seal of the Court, to be filed in the Colonial Secretary's Office.

Officer of the Court to give a Certificate of the Oath having been taken.

IV. The Officer shall also give a Certificate, under his hand, and the seal of the Court, that the Oath of Allegiance has been taken, which Certificate shall be evidence of its contents, and therefor he shall be entitled to the sum of five shillings.

Suspending clause.

V. Nothing in this Act contained shall be of any force or effect until Her Majesty's pleasure therein shall be known.

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C A P. XXX.

An Act to incorporate the Minister and Trustees of Saint Columba's Church, Blair-in-Athol, Saint Peter's Road, Township Number Thirty-four.

[Passed 2nd May, 1860]

Preamble.

WHEREAS on the second day of March, in the year of Our Lord one thousand eight hundred and thirty, Donald MacBeth, of Township Number Thirty-four, Saint Peter's Road, Prince Edward Island, did by a certain Deed Poll, under his hand and seal, give and grant unto John Ferguson, John Cairns, Neil Stewart, Donald Stewart and Peter Stewart, Junior, as Trustees of the Presbyterian Church, Saint Peter's Road, Lot or Township Number



Thirty-four aforesaid, a certain tract or parcel of land, with the appurtenances, situate on said Township, as a site for a Church in connection with and governed by and according to the Faith, Rites, Regulations and discipline of the Kirk of Scotland, as established by law in Scotland, which said piece or parcel of land is more particularly described and set forth in said Deed, registered in the office of the Registry of Deeds for this Island; and whereas the present Trustees of said Church, appointed as directed by said Deed, and acting on behalf of the congregation members of the said Kirk of Scotland, have set forth by their humble petition that a Church has been erected on the aforesaid lands; and in order more efficiently to carry out the purposes hereinafter named, and to manage and conduct the affairs and interests of the said Church, have prayed that the said Board of Trustees should be vested with a corporate capacity:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that Neil Stewart, Alexander Robertson, Isaac Thomson, William MacDonald and John Scott MacLeod, so long as they shall respectively continue members of the said Church, Saint Peter's Road, and in connection with the said Kirk of Scotland as aforesaid, shall be, and they and their successors in office (to be chosen and elected in manner hereinafter prescribed) in addition to and together with the Minister for the time being, are hereby constituted and declared a body corporate, under and by the name and style of "The Minister and Trustees of Saint Columba's Church, Blair-in-Athol, on Saint Peter's Road," and shall continue in office until the second Tuesday in January in the year of our

Alexander Robertson and others, their successors, &c., constituted a body corporate by the name of "The Minister and Trustees of Saint Columba's Church, Blair-in-Athol, Saint Peter's Road," with powers to sue and be sued, make bye-laws, &c.

Lord one thousand eight hundred and sixty-one, and that they and their successors in office (to be chosen as hereinafter mentioned) forever, shall have a common seal, with power to break, change and alter the same from time to time at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all Courts of Judicature in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the lands and funds of the said Corporation, and the business and purposes for which it is hereby constituted as hereinafter declared, and may establish, put in execution, alter or repeal such By-Laws, Rules and Regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, or to the constitution of the Kirk of Scotland, and as may appear to the said Corporation necessary and expedient for the interests thereof; and for these purposes to appoint their own Chairman, Treasurer, Secretary and other officers; and three of the members of the said Corporation shall form a quorum for and in all matters and things to be done and disposed of by the said Corporation.

Three members  
to form a  
quorum.

II. After the passing of this Act there shall annually be chosen from and out of the congregation by such of the congregation of the said Church as shall be qualified to vote as hereinafter mentioned, five persons who publicly hold, avow and maintain only the Faith, Rites and discipline of the said Kirk of Scotland, and who shall likewise be members of the said Church of Saint Columba, Blair-in-Athol, on Saint Peter's Road aforesaid, (whose qualification for office shall be the same as that of electors as herein-

Five Trustees  
to be annually  
chosen, &c.

after mentioned), who shall be Trustees thereof, together with the Minister of the said Church for the time being, or in case of a vacancy, absence or otherwise by the Moderator of Kirk Session ex-officio appointed or deputed by the Church Courts organized in this Island, in connection with the said Kirk of Scotland; and such six persons so chosen, elected, appointed or deputed, shall be in lieu of the Trustees chosen, elected and confirmed under and by virtue of this Act, and be recognized as the body corporate of the said Church.

III. Every male person of the age of twenty-one years or upwards who shall hold and pay for one whole pew, or one half pew, in the said Church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the Funds of the said Corporation annually the sum of twenty shillings of current money of the said Island, and who shall not be in arrear for the same, shall be qualified to vote at the election of Trustees hereinbefore mentioned.

Persons qualified to vote at the election of Trustees.

IV. The first election of Trustees under this Act shall take place on the second Tuesday in January which will be in the year of our Lord one thousand eight hundred and sixty-one; and all future elections shall take place on the second Tuesday in January in each and every year thereafter in all time coming: And it shall be the duty of the Trustees aforesaid, and their successors in office, and they are hereby required to give notice under the signature of the Secretary, and by authority of the Board, of the hour and place of holding such election, by an intimation read by the Minister, or in his absence by the Moderator of Kirk Session, from the pulpit, or by a member of the Kirk Session, on

First election of Trustees to take place on 2nd Tuesday in January, 1861; future elections on 2nd Tuesday in January in every year.

Mode of notifying elections of Trustees.

the two Sabbaths immediately preceding; or in case of a vacancy or otherwise, by causing to be inserted twice in one or more of the Island newspapers an advertisement to that effect, or otherwise by giving due publicity, by circular, of the hour and place of such meeting, at which time and place electors qualified as aforesaid shall choose a Chairman, and shall proceed by ballot to the election of five persons qualified as aforesaid, who, in addition to and together with the Minister or depute, shall fill the office of Trustees for the then ensuing year; the Chairman of said meeting, in case of equality, having a casting vote; and the names of the persons so elected, together with that of the Minister or depute, shall be entered in the Books of the said Corporation by the Secretary or other person having the custody of the same, who shall attend with the said Books for that purpose.

Trustees eligible for re-election.

V. All or any one or more of the Trustees in office, at the time of such annual election, shall be eligible to be re-elected.

Mode of filling up vacancies occurring by death, &c.

VI. In the event of a vacancy or vacancies occurring by death, resignation, removal or otherwise in the Board of Trustees, it shall be lawful for the remaining Trustees, at any one of their meetings, to elect a duly qualified person, or persons, to supply the same; but should the vacancies so occurring at any one time be so numerous as not to leave a quorum, then such vacancies shall be filled up in the manner in which this Act provides for the annual election of Trustees, within thirty days after the occurring of such vacancy or vacancies.

In case no election takes place on second Tues-

VII. If it should happen that no election of Trustees shall take place on the second Tuesday in January in any year as aforementioned,

then and in such case the Trustees then in office shall continue and remain in office for, during and until the expiration of the next ensuing year, unless a requisition signed by at least twelve of such persons as are qualified to vote as aforesaid, shall be presented to the Trustees for the time being, calling upon them to cause a meeting to be held for the election of Trustees, and of which meeting ten days' notice shall be given, and such meeting shall be held in manner and form as hereinbefore directed with respect to annual elections.

day in January in any year, old Trustees to continue in office, &c.

VIII. The Seal of the said Corporation, and all Books, Papers, Deeds, Minutes, Vouchers, Moneys, Obligations, Bonds, Securities for Moneys, and all and every description of property and things really and bona fide belonging to the Church, shall immediately after the passing of this Act come into the custody and possession of the aforesaid Trustees, and shall be by them forthwith handed over to their successors immediately following them in office as Trustees.

Corporate seal, books, papers, &c., to be in custody of Trustees, and transferred from time to time to their successors.

IX. The Trustees shall be, and they are hereby intrusted with the repairing, alteration, building or rebuilding of the Church or Manse, and shall guard and protect the interests of the Congregation; the Kirk-yard, and all real or personal Estate held or to be held by the Corporation.

Trustees empowered to repair Church, &c.

X. It shall and may be lawful for the said Corporation to accept, take and hold any such real or personal Estate as may hereafter be gratuitously given, granted or bequeathed for the use and good of the said Church, not exceeding together with that already holden by the said Trustees as aforesaid, the annual value of One Thousand Pounds sterling.

Corporation to hold real and personal estate to the annual value of £1000 sterling.

General powers  
and duties of  
Trustees, &c.

XI. It shall be the duty of the Trustees for the time being, to make all arrangements for the letting of Pews, imposing and collecting of seat rents, and to dispose of the Church lands or property in any way they may see proper for the interests of the Corporation: Provided always, that said lands or property be never alienated from their original purpose; also to keep the Church in repair, and impose such extraordinary assessments as may be required for the repairing of said Church, and generally to manage and promote the secular affairs directly and indirectly belonging to or connected with the said Church and Congregation, agreeably to the constitution of the Kirk of Scotland, and subject to the approval, administration and supervision of the Ecclesiastical Courts organized in this Island in connection with the said Kirk of Scotland; and for the accomplishment of these ends, the Trustees for the time being may, in addition to such meetings of the Board, as may be necessary, call meetings of the Congregation, as occasion may require, after a notice of ten days, at which congregational meetings all persons qualified in the election of Trustees as aforesaid, may vote on all questions brought before said congregational meetings.

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C A P. XXXI.

An Act to Incorporate sundry persons by the name of "The Cascumpec Marine Railway Company."

[Passed 2nd May, 1860.]

**W**HEREAS the establishment of a Marine Railway at Cascumpec will be greatly advantageous to the Mercantile interests of that

Preamble.

locality, and to the fisheries of the North part of this Island generally; and whereas several persons have associated themselves for the purpose of constructing such Marine Railway at Cascumpec Point aforesaid:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows—  
 William Bradford Dean, Gilman M. Rider, George W. DeBlois, George F. C. Lowden, and all and every such other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, and their Successors, Administrators and Assigns shall be, and they are hereby united into a Company, and declared to be one body Politic and Corporate, by the name of “The Cascumpec Marine Railway Company,” and by that name shall have succession and a common seal, and may sue and be sued, plead and be impleaded at law and in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy Houses, Lands, Tenements, Hereditaments and Rents in fee simple or otherwise; and also Goods and Chattels, and all other things real, personal and mixed; and also to give, grant, sell, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said Corporation; and that the President, Directors and Company to be appointed as hereinafter mentioned, shall from time to time, and at all times during the continuance of this Act, and of the said Corporation, have full power and authority to constitute, make and establish such Bye-Laws and Ordinances as may be thought necessary for the rule and good government of the said Cor-

William Bradford Dean and others, their successors, &c., united into a Company and body corporate by the name of “The Cascumpec Marine Railway Company,” with power to sue and be sued, &c.

poration: Provided that such Bye-Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Island, or of those in force within the same.

Mode of serving Process on said Company.

II. In any suit at law or equity instituted against the said Cascumpec Marine Railway Company, service of Process upon the President, or in his absence on any one of the Directors of the same for the time being, shall to all intents and purposes be sufficient to compel the said Company to appear and plead to the said suit.

Power to construct a Marine Railway for drawing up Vessels in the harbour of Cascumpec.

III. The said Cascumpec Marine Railway Company shall have full power and authority to lay down, construct and complete a Marine Railway for drawing up Vessels, and such other purposes as may be deemed meet, in the harbour of Cascumpec aforesaid, so that the same shall not obstruct or prevent the free navigation of the waters of the said Harbour.

Capital Stock of Company to be £1500 currency; shares to be £15 each, one-fourth part of the Capital Stock to be paid within one year from the passing of this Act.

Mode of paying remaining three-fourth parts of the Stock.

IV. The Capital or Joint Stock of the said Corporation shall be One Thousand Five Hundred Pounds, currency of this Island, divided into one hundred shares of fifteen pounds each, and that one-fourth part of the capital stock which shall be subscribed for, shall be paid within one year from the passing of this Act, and the remaining three-fourth parts of the stock so to be subscribed shall be paid at such times as shall be agreed on and appointed by the Directors of the said Company for that purpose, thirty days' previous notice being first given in the *Royal Gazette*, and one other newspaper published in Charlottetown in the said Island, and in two newspapers published in Boston, in the United States, of the time and place appointed for payment of the said second or any future instalment; and if any subscriber shall neglect



or refuse to pay all or any part of the share or shares subscribed by him, it shall be lawful for the directors for the time being to sell and dispose of the share or shares so in default, to the best advantage; and if any loss shall happen on such sale, the same shall fall upon the said subscriber thereof.

V. That when and so soon as one half the Capital Stock before mentioned shall be subscribed for, this Act may go into operation respecting the working of the said Company, and the persons first herein named, or any three of them, shall, by public advertisement, at least for three consecutive weeks previously, in one of the newspapers published at Charlottetown aforesaid, and in two newspapers published in Boston, United States of America, appoint a day and place at Charlottetown aforesaid, for the first General Meeting of the Subscribers, and at such meeting, a Chairman having been appointed, the Subscribers present, or their proxies by appointment in writing, shall elect five Directors, being each of them the owner of two shares at the least, who shall thereupon elect and appoint one of their number President, and from thence forward the Officers and business of the said Company shall be conducted and managed by such President and Directors, who shall continue in office for the space of one year next ensuing, and who shall have full power and authority to make and enact Bye-Laws of all kinds relative to the said Company, both with regard to the time and the amount of the calls to be made, the rate and scale of charges to be made by the said Company for the use of the said Marine Railway, and all other matters connected therewith, as also to appoint all such Officers to the said Company, and to make all

When one-half the Capital Stock subscribed for, this Act to go into operation.

Company to meet by notice in the newspapers, &c., to elect 5 Directors.

Authority of such Directors.

contracts and arrangements for the machinery and construction of the said Railway, and other matters connected therewith; and that the said President, in the event of an equality of votes, shall have a casting vote, in addition to his vote as Director.

Annual General Meeting of Shareholders to be held in month of July in every year.

VI. That a General Annual Meeting of Shareholders shall be held in the month of July, in every year, in the City of Charlottetown, aforesaid, or in such other place as shall be appointed at the previous general meeting of the Shareholders, and on such day and time as the last mentioned meeting shall determine; of which annual meeting, and of all other general meetings of Shareholders, at least thirty days' previous notice shall be given, to be published in manner and form as directed in and by the last preceding section of this Act.

At all meetings of Shareholders, no Shareholder to vote who is in arrear.

Section of votes according to number of shares.

VII. That at all meetings of Shareholders, no Shareholder shall vote on any share in arrear; that the owner of one share shall have one vote; the owner of two shares and not exceeding five, two votes; the owner of five shares, and not exceeding ten, to have three votes; and the owner of any greater number of shares than ten, to have a vote in respect of every five shares: Provided that the number of fifteen votes shall be the greatest that any shareholder shall be entitled to have.

Directors last chosen to continue in office until new Directors chosen.

Vacancy occurring before term of office expired how filled up.

VIII. That if from any cause the annual General Meeting shall not be held, the Directors last chosen shall continue in office until new Directors shall be chosen; and in the event of a vacancy occurring in the office of Director before the term of his office expired, the remaining Directors shall fill up the vacancy.

IX. That all rates or tolls due by Vessels to the said Company for services by the said Marine Railway, or matters connected therewith, shall constitute a lien or charge on such Vessels, their tackle and furniture respectively, for the amount due respectively thereon, besides the ordinary legal remedies.

Company to have a lien on all vessels, &c., for rates and dues.

X. That the Capital Stock of the said Company may be increased at the pleasure of the said Company, to the sum of Three Thousand Pounds, and that all shares in the said Company shall be deemed to be personal estate to all intents and for all purposes, and shall be transferable and assignable, according to the Rules and Regulations that may be established by the By-Laws in that behalf.

Power to increase Capital Stock to extent of £3000.

Shares to be deemed personal estate, and to be transferable according to By-Laws.

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## CAP. XXXII.

An Act to incorporate the Cascumpec Temperance Hall Company.

[Passed 2nd May, 1860.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That John Dingwell Hubbard, Archibald Gordon, Herbert Bell, Benjamin Rogers, Thomas Torrence Fairbairn, Cornelius Richard O'Leary, Neil Woodside, and every and all such person or persons as now are, or is, or shall hereafter become Proprietors of Shares in the Company hereby established, and their respective Successors, Executors, Administrators and Assigns, shall be, and they are hereby declared to be a body politic and corporate by the name of "The Cascumpec Temperance Hall Company," and by that name shall have perpetual succession, and all other the

Incorporate certain persons as a Temperance Hall Company.

Name.

rights and privileges conferred by an Act passed in the Fifteenth year of Her Majesty's reign, intituled "An Act relating to Corporate Bodies."

Company may purchase and hold lands, &c., and sell, demise and exchange the same.

II. That the said Company shall and may take, purchase and hold any Lands or Real Estate in fee simple, or otherwise, and also, rents, moneys, securities for money, goods and chattels whatsoever, and may sell, let, demise, exchange or mortgage the same in such manner as may be necessary: provided that the said Company shall not, at any one time, hold or possess Real Estate to a greater value than One thousand pounds, currency.

Limits amount of Real Estate to be held by the said Company.

Company to make such By-Laws, &c., as may be required.

III. That the said Company shall have full power at all times to make or alter By-Laws and Regulations, not contrary to law, for the government of its officers, the management of its affairs, and of all matters and things relating to the Shares therein, such By-Laws to be made at some general or special meeting of Shareholders, to be duly called for that purpose.

Capital of Company to be £100 and to be divided into shares of ten shillings each.

IV. That the capital of the said Company shall be Three Hundred Pounds, currency, divided into shares of Ten Shillings each, and such shares shall be assignable in such manner as by the said By-Laws shall be directed: provided that if at any general meeting, it shall be deemed necessary to increase such capital, it shall be lawful to create additional capital of One Hundred Pounds, by the issue of two hundred shares of the same amount, or by convertible Bonds.

Capital may be increased £100.

Payment of subscriptions how to be made.

V. That the several persons who now are or hereafter may become subscribers for Shares, shall be required to pay the sums of money by them respectively subscribed in such proportions and at such times as shall be appointed by the

Directors, and such moneys shall be recoverable in any Court of competent Jurisdiction; but no Shareholder shall be required to pay any larger sums than the amount of shares held by him.

Mode of procedure in case of neglect to pay the same.

VI. That the joint property of the said Company shall be alone liable for its debts and engagements, and that no individual Shareholder shall be responsible for the same beyond the amount unpaid on the shares held by him.

Joint property of Company alone liable for its debts.

VII. That a General Annual Meeting of the said Shareholders shall be held on the same day in the first week in January in each year, at some convenient place in Cascumpec aforesaid, to be appointed by the Board of Directors, and that special meetings of such Shareholders shall be summoned by the directors when they shall deem the same necessary, or whenever a Requisition in writing to call such meeting shall be delivered to the President, signed by ten Shareholders being proprietors of thirty shares amongst them at the least: provided that ten days' notice at the least shall be given of any such meeting, by affixing such notice in writing on the Hall erected in pursuance of this Act, and in three other public and usual places for giving notices in the neighbourhood thereof, and also in manner prescribed by the before mentioned Act.

Annual Meeting of Company when held, &c.

Special Meetings how summoned.

10 days' notice of Special Meetings to be given.

VIII. That no business shall be transacted at any such meeting unless ten Shareholders at the least, holding amongst them not less than thirty shares, shall be present, and that in case of an insufficient attendance, such meeting shall be adjourned for nine days, and so on from time to time, of which adjournment similar notice shall be given, and all such general or special meetings may be adjourned from time to time and from place to place as may be found expedient.

No business to be transacted at any Meeting unless ten Shareholders present representing at least 30 shares.

In case of insufficient attendance, meetings may be adjourned from time to time.

Shareholders may vote by proxy.

Votes how to be given in.

In case of a tie, President, &c., to have the casting vote.

At first and subsequent general meetings, Shareholders to elect President, Vice President, &c., and three other persons who are to constitute Board of Directors.

Directors to continue in office until successors are chosen.

Vacancy occurring by death, &c., how filled up.

Until the first general meet-

**IX.** That at such annual or special meetings every Shareholder, having paid up calls then due on his shares, shall be entitled to vote either in person or by a proxy, being also a Shareholder, such votes to be given in the proportions as may be prescribed by the Resolutions at the general meeting and by the By-Laws of the Company when made; and that at all meetings, whether of Shareholders or Directors, the President, and in his absence, the Vice President, or some other Director shall take the chair, and shall have a casting vote in the event of an equality of votes.

**X.** That the said Company shall be deemed to be organised immediately on the passing of this Act, and that at the first and every subsequent general annual meeting, the Shareholders then present, either in person or by proxy, being a sufficient number and duly qualified, shall elect out of the Shareholders a President, Vice President, Secretary, Treasurer, and also three other Directors holding not less than five shares, which said President, Vice President, Secretary, Treasurer and three other persons shall constitute the Board of Directors for the management of the affairs of the Company, of whom five shall be a quorum.

**XI.** That such Officers and Directors shall continue in office until the next general annual meeting, or until new officers and directors shall be elected in their stead, and that in case of any officer or director dying, resigning, or becoming disqualified or incapable of acting during his term of office, the remaining Directors shall elect some other proprietor duly qualified to fill the vacancy.

**XII.** That until the first general annual meeting the officers and directors now elected

shall continue to act in the same manner and with the same powers as if they had been elected under the provisions of this Act, and until that period the Resolutions already passed at meetings of Shareholders shall have the force and effect of By-Laws.

ings, officers and directors now elected shall continue to act, &c.

CAP. XXXIII.

An Act to incorporate certain persons therein named under the style and title of the **Crapaud Dredging Machine Company.**

[Passed 2nd May, 1860.]

**W**HEREAS the sum of Two hundred and fifty Pounds has been appropriated by the House of Assembly of this Island, to be paid to such person or persons as shall construct and finish, to the satisfaction of the Government, for the time being, a Dredging Machine adapted to the purpose of deepening certain Rivers and Bays in this Island: and whereas Donald W. Palmer, John Currie, Henry Howat, John Lea, Thomas Myers, Charles Stanfield, James Johnston and Thomas Wigginton, induced by the offer of the said sum above named, have formed themselves into a Company, with the object of constructing and completing a Dredging Machine suitable for the purposes above named, and with the view the more effectually to accomplish their aforesaid object, have petitioned to be by Law incorporated:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said Donald W. Palmer, John Currie, Henry Howat, John Lea, Thomas Myers,

Incorporates certain persons under the name of "The Crapaud

Dredging Machine Company.

Charles Stanfield, James Johnston and Thomas Wigginton, together with such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby constituted and declared to be a Body politic and corporate in deed and name under the name and style of the "Crapaud Dredging Machine Company," and by that name shall and may have continued succession and a common seal, and shall and may change and alter the same at their will and pleasure, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of Law or Equity, or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever, and be in Law capable of having, holding, purchasing, taking, receiving and enjoying any lands, tenements, hereditaments, real or personal estate whatsoever, and also of giving, granting, letting, assigning or conveying the same, or any part thereof, and of doing and executing all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said Corporation; and also that the said Company shall, from time to time, and at all times, have full power, authority and licence to constitute, ordain, make and establish, change, vary and alter such Bye-Laws, Rules and Ordinances as may be thought necessary for the good rule and government of the said Corporation: Provided, such Bye-Laws, Rules and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Island and those in force within the same: and provided also, that such Bye-Law, Rules and Ordinances shall not have any force

To have a Common Seal, and to be capable of pleading, contracting, &c.

Company may purchase and hold lands, &c., and sell, let and exchange the same, &c.

Company to make such Bye-Laws, &c., as may be required.

By-Laws to have no effect



or effect until the same shall have been submitted to and approved of by the Lieutenant Governor in Council, nor until the same shall have been registered in the office of the Register of Deeds for this Island.

until approved of by Lieut. Governor in Council and registered.

II. The Company shall not hold at any one time Real Estate of greater value than One Thousand Pounds.

Limits amount of Real Estate to be held by Company.

III. The property and business of the Company shall be under the management of a President and such other officers as may be directed by the Bye-Laws.

Company to be managed by President, &c.

IV. The capital of the Company shall be limited to the sum of One thousand Pounds, to be divided into shares of Five Pounds each, and such shares shall be assignable and transferable in such manner as may be directed by the Bye-Laws.

Capital of Company not to exceed £1000, and to be divided into Shares of £5 each.

V. Notwithstanding the Company may hold Real Estate, the Shares of the Stockholders shall be deemed to be personal property for all purposes.

Shares to be deemed personal property.

VI. Every person who shall have contributed and paid the sum of Five Pounds, or upwards, towards the undertaking hereby established, before the passing of this Act, shall be deemed a Shareholder, and each shareholder having paid all-calls on him made, which at the time be due, shall be entitled to vote at any annual or special meeting of the Company, according to the number of shares he may possess, namely, the owner of one share shall have one vote, the owner of three shares two votes, and the owner of six or any greater number of shares three votes, and no more; and any shareholder may give his votes by proxy duly constituted ac-

What constitutes a Shareholder.

Number of votes allowed each Shareholder.

Vote by proxy allowed.

ording to the Bye-Laws, but the person applying to vote under such proxy must be a shareholder, and entitled to vote at the meeting.

Company to have power to let out on hire Dredging Machine subject to certain restrictions.

VII. When such Dredging Machine or Machines as aforesaid shall be completed and approved of by the Executive Government for the time being of this Island, the Company shall have power to let out on hire, or sell, or otherwise dispose of such Dredging Machine or Machines in such manner and under such regulations and restrictions as the Executive Government of the said Island for the time being may from time to time for that purpose direct and appoint.

Nothing in this Act to give Company prior claim to grant from Government over other competitors, &c.

VIII. Provided always that nothing herein contained shall be construed to give to the said Company any prior right or preferential claim to the said grant from government, over any private individual or individuals, or any other Company who may compete for the same, unless the said Company incorporated by this Act shall first entitle themselves to such grant by complying with the conditions upon which the said grant has been offered.

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#### C A P. XXXIV.

An Act to alter the Act incorporating the Church Wardens and Vestries of the Church of England.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS by the first section of the Act passed in the third year of the reign of His late Majesty King William the Fourth, chapter twenty, it is required that the meetings of the several congregations of the Church of

England for the purpose of choosing Church Wardens and Vestries shall be held annually on Tuesday in Whitsuntide week; and whereas the holding of said meetings at that particular season of the year has been found to be attended with much inconvenience to the members of the said Congregations enerally throughout the Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing hereof the said first section of the above recited Act, so far as relates to the day of holding the said annual meetings of the several Congregations of the Church of England in this Island, be, and the same is hereby repealed; and that hereafter the day of holding said annual meetings for the purposes in the said first section of the said recited Act specified, shall be Easter Monday in every year from and after the present year, such annual meetings for the present year to be held on Tuesday in next Whitsuntide week as usual, anything in this Act contained to the contrary notwithstanding.

Repeals first section of 3rd Wm. 4th, cap. 20, and enacts that all annual meetings shall be held on Easter Monday in every year.

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### C A P. XXXV.

An Act to protect the rights of Married Women in certain cases.

[Passed 2nd May, 1860.]

**W**HEREAS it is deemed right and just to protect the property of Married Women from being liable to the debts of their Husbands, in certain cases—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Preamble

Married Woman, after desertion by her husband may sue in her own name for debts due to her, &c.

No receipt or discharge of husband, after desertion, to bar wife's claim.

Married Woman to be liable for costs of suit.

Property acquired by a married woman after desertion; to be free from debts and control of husband.

I. That in case of desertion or abandonment by her husband, any Married Woman in her own name, and for her own use, may recover and receive from any person indebted or liable to her in her separate capacity, for services performed by and debts due to her, or damages for injuries to herself or her separate property, after such desertion or abandonment; and no receipt, discharge, release or commutation thereof, given or made by her husband after such desertion or abandonment, shall bar her claim; and if any suit be brought by the married woman on such account, she and her separate property shall be liable for costs of suit as in other cases.

II. When any Married Woman, deserted by her Husband, or compelled to support herself, shall acquire any property, it shall vest in her, and be at her disposal, and not subject to the debts, interference or control of her husband.

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## CAP. XXXVI.

An Act to incorporate the Minister and Trustees of St. Andrew's Church, Calander, Little Sands.

[Passed 2nd May, 1860.]

Preamble.

**WHEREAS** on the twentieth day of March, in the year of our Lord one thousand eight hundred and sixty, Dunbar James, Earl of Selkirk, by his Attorney, William Douse, Esquire, did by a certain Deed Poll, under his hand and seal, give, grant and confirm unto the Reverend William McLaren and John McMillan, Neil Kennedy, Robert Dixon, John Campbell, William McRae, Archibald McDonald and Neil Murray, as Trustees of the

Presbyterian Church at Callander, Little Sands, and to their successors in office, a certain tract or parcel of land, with the appurtenances, situated at Callander, in Little Sands, aforesaid, as a site for a Church, in connection with and governed by and according to the Tenets, Rites, Regulations and Discipline of the Kirk of Scotland, as at present established by Law in Scotland, and which said land is particularly described and set forth in the said Deed, registered in the office of the Registrar of Deeds for this Island; and whereas sundry inhabitants of Little Sands and Wood Islands, members of and adherents to the said Kirk of Scotland, have set forth by their humble petition that a Church has been erected on the aforesaid land, and are desirous that the said Board of Trustees should be vested with a corporate capacity:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said Reverend William McLaren, John McMillan, Neil Kennedy, Robert Dixon, John Campbell, William McRae, Archibald McDonald and Neil Murray, so long as they respectively continue members of the said Church at Callander, Little Sands, aforesaid, and in connection with the said Kirk of Scotland, and their successors in office, shall be, and they are hereby declared and constituted a Body Corporate under and by the name and style of "The Minister and Trustees of Saint Andrew's Church, Callander, Little Sands," and shall continue in office until the second Tuesday in January in the year of our Lord one thousand eight hundred and sixty-one, and they and their successors in office for ever, shall have a common seal, with power to break, change and alter the same from time to time at pleasure, and shall be in law capable of

Certain persons incorporated under the name of "The Minister and Trustees of Saint Andrew's Church, Callander, Little Sands;"

and to continue in office until the 2nd Tuesday in January, 1861.

To have a common seal, and to be

capable of  
pleading, con-  
tracting, &c.

suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the lands and funds of the said Corporation, and the business and purposes for which it is hereby constituted as hereinafter declared; and may establish, put in execution, alter or repeal such By-Laws, Rules or Regulations as shall not be contrary to the constitution and laws of this Island, or the provisions and spirit of this Act, or to the constitution of the Kirk of Scotland, as may appear to the said Corporation necessary and expedient to the interests thereof; and for these purposes to appoint their own Chairman, Treasurer, Secretary and other officers; and five of the members of the said Corporation shall form a quorum for and in all matters and things to be done and disposed of by the said Corporation.

Five members  
to form a  
quorum.

Seven Trustees  
to be annually  
chosen, &c.

II. After the passing of this Act, there shall annually be chosen by such of the Congregation of the said Church as are qualified to vote as hereinafter mentioned, seven persons, being members of said Church (whose qualification for office shall be the same as that of electors), who shall be Trustees thereof, together with the Minister of the said Church for the time being, or in case of a vacancy, with the Moderator, or a member of the Kirk Session, appointed by the Church Courts organized in this Island in connection with the Kirk of Scotland; and such eight persons so chosen, elected, appointed or deputed shall be in lieu of the Trustees chosen, elected, appointed or deputed under this Act, and be recognized as a Body Corporate of said Church.

III. Every male person of the age of twenty-one years or upwards who shall hold and pay for one whole pew or one half pew in the said Church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the funds of the said Corporation annually the sum of ten shillings of current money of this Island, and who shall not be in arrear for the same, shall be qualified to vote at the election of Trustees hereinbefore mentioned.

Who qualified to vote at the election of Trustees.

IV. The first election of Trustees under this Act shall take place on the second Tuesday in January which will be in the year of our Lord one thousand eight hundred and sixty-one, and all future elections shall take place on the second Tuesday in January in each and every year thereafter in all time coming; and it shall be the duty of the Trustees before named, and their successors in office, and they and their successors in office are hereby required to give notice, under the signature of the Secretary, and by the authority of the Board, of the hour and place of holding such election, by an intimation read by the Minister, or in his absence, by the Moderator of the Kirk Session, from the Pulpit, or by a member of the said Session, on the two Sabbaths immediately preceding; or in case of a vacancy or otherwise, by causing to be inserted twice in one or more of the Island newspapers, or by giving due and timeous publicity, by circular, of the hour and place of such meeting, at which time and place electors qualified as aforesaid shall choose a Chairman, and shall proceed to the election of seven persons qualified as aforesaid, who, together with the Minister or Depute, shall fill the office of Trustees for the then ensuing year; the Chairman of said meeting, in case of an equality, having a casting vote;

Election of Trustees to take place annually on 2nd Tuesday in January.

Notice of such election how and when to be given.

Meeting to choose a chairman.

Names of persons elected to be recorded on Minute Book.

and the names of the persons so elected, together with the Minister or Depute, shall be entered in the Books of the Corporation, by the Secretary or other person having the custody of the same, who shall attend with the said Books for that purpose.

Trustees may be re-elected.

V. All or any one or more of the Trustees in office at the time of such annual election shall be eligible to be re-elected.

Vacancies occurring among Trustees between the annual elections, how to be filled up.

VI. In the event of a vacancy or vacancies occurring by death, removal, resignation, or otherwise in the Board of Trustees, it shall be lawful for the said Trustees, at any one of their meetings, to elect a duly qualified person or persons to supply the same; but should the vacancies so occurring at any one time be so numerous as not to leave a quorum, then such vacancies shall be filled up in the manner in which the Act provides for the annual election of Trustees, within thirty days after the occurring of such vacancy or vacancies.

If no election of Trustees takes place at appointed time, the Trustees then in office to continue for another year, unless a meeting be called by at least twelve electors for the election of new Trustees.

VII. If it should happen that no election of Trustees should take place on the said second Tuesday in January in any year as aforesaid, then and in such case the Trustees then in office shall continue and remain in office for, during and until the expiration of the next ensuing year, unless a requisition signed by at least twelve of those persons who shall be qualified to vote as aforesaid, shall be presented to the Trustees, calling upon them to cause a meeting to be held for the election of Trustees; and of which meeting ten days notice shall be given; and such meeting shall be held and conducted in manner and form as hereinbefore prescribed with respect to annual elections.



VIII. It shall be lawful for the said Corporation to contract for and purchase, or in any lawful manner, whether by gift, grant, devise, legacy, bequest or otherwise, to acquire, obtain and hold either in fee simple for life, or any term of years, for the benefit of said Church, any messuages, lands, tenements and hereditaments, or any kind of real or personal estate whatsoever in this Island, and to take, receive and hold the necessary legal conveyances, securities, documents and transfers thereof, and which said messuages, lands, tenements and hereditaments, real and personal estate, shall be and remain vested in the said Corporation: Provided always, that the net annual value of such real and personal estate shall not exceed at any one time the sum of one thousand pounds currency of this Island.

Corporation may contract for and purchase lands or personal estate, &c.

The net annual value of such property not to exceed £1000.

IX. It shall be the duty of the Trustees for the time being, to make all arrangements for the letting of pews, imposing and collecting of seat rents, to dispose of the Church lands in any way they may see proper for the interest of the Corporation: Provided always, that the said lands be never alienated or diverted from their original purpose: also to keep the Church in repair, and impose such extraordinary assessments as may be required for repairing said Church; and generally to manage the secular affairs directly and indirectly pertaining to said Church, agreeably to the constitution of the Kirk of Scotland, and subject to the approval, administration and supervision of ecclesiastical courts organized in this Island in connection with the said Kirk of Scotland; and for the accomplishment of these ends the Trustees may, in addition to such meeting of the Board as may be necessary, call meetings of the congregation as occasion may require, after a notice of ten days, at which congrega-

Duties and powers of Trustees.

tional meetings all persons qualified in the election of Trustees as aforesaid, may vote on all questions or matters brought before the said congregational meetings.

Trustees to hand over to their successors in office Corporate Seal, books, monies, &c.

X. The seal of the said Corporation, and all books, papers, deeds, minutes, vouchers, moneys, obligations, securities for money, and all and every description of property and things belonging to the said Church shall, immediately after the passing of this Act, come into the custody and possession of the aforesaid Trustees, and shall be by them forthwith handed over to their successors immediately following them in office as Trustees.

Trustees entrusted with repairs, &c., of Church, &c.

XI. The Trustees shall be and they are hereby entrusted with the repairing, alteration, building or rebuilding of the said Church or Manse, and shall guard and protect the interests of the said Church, Church Yard, and all real or personal estate held or to be held by the Corporation.

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## CAP. XXXVII.

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

[Passed 2nd May, 1860.]

May it Please your Excellency ;

**W**E 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 :

I. And be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that by and 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:—

A sum sufficient at the disposal of the Government to defray the expence of giving to His Royal Highness the Prince of Wales a loyal and suitable reception, upon His Royal Highness visiting this Island during the ensuing summer.

A sum of six thousand four hundred and thirty-four pounds, to pay the salaries and allowances by statute.

£6434 for Salaries, &c., under Statute.

A sum not exceeding five thousand pounds for the general service of Roads, Bridges and Wharfs, 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, Bridges, and Wharfs, and that the same be divided among the three Counties as follows: Queen's County, including Charlottetown Royalty, one thousand seven hundred pounds; Prince County, one thousand five hundred and twenty-five pounds; King's County, one thousand five hundred and twenty-five pounds; and the Main Post Roads, under the operation of the Act relating thereto, passed this session, two hundred and fifty pounds.

£1700 for Queen's County, including Charlottetown Royalty.

£1525 for Prince County.

£1525 for King's County.

And a further sum sufficient to provide for the maintenance of the said Main Post Roads, under the operation of the Act relating thereto, passed this session, in addition to the said two hundred and fifty pounds.

Further sum sufficient for maintenance of roads, under Act relating thereto passed this Session.

And a sum of one hundred and fifty pounds for expenses under the Road Compensation Act.

£150, expenses under Road Compensation Act.

£500 for contingent expenses of roads and bridges, &c.

And a sum of five hundred pounds for contingent repairs of Roads, Bridges and Wharfs, to be equally divided amongst the three Counties.

A sum sufficient to defray the expenses of the Commissioners appointed on behalf of the Tenantry for the settlement of the Land Question.

And a sum sufficient at the disposal of the Government to defray the allowances of the Commissioner appointed by the House of Assembly to act on behalf of the tenantry of this Island, under the Commission to be issued by Her Majesty's Government for the settlement of the Land question, and all other outlays and expenses connected with that Commission, which may be chargeable against the local Government.

Sum sufficient for encouragement of Free Education.

And a sum sufficient to be placed at the disposal of the Lieutenant Governor in Council for Education, under the Free Education Act, for the present year.

Sum Summer and Winter Mails.

And a sum sufficient for summer and winter Mails.

£900 for inland Mails.

And a sum of nine hundred pounds for the conveyance of Inland Mails.

£100 to defray public postage.

And a sum of one hundred pounds to defray the expence of public Postage.

£30 for Commissioners for issuing Treasury Notes.

And a sum of thirty pounds to defray the percentage allowed the Commissioners for issuing Treasury Notes for the present year.

£60 to Auditors of Public Accounts.

And a sum of sixty pounds to defray the salaries of two Auditors of Public Accounts for the present year.

£75 for Superintendent of Public Works.

And a sum of seventy-five pounds to defray the salary of the superintendent of Public Works for the present year.

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

And a sum of ten pounds to defray the salary of Assayer of Weights and Measures for Queen's County for the present year.

And a sum of five hundred pounds to pay Land Waiters and preventive service for the present year. £500 for Land Waiters and Preventive Officers.

And a sum of eighteen pounds to pay medical Attendance for the three County Jails during the present year. £18, Medical Attendants for Jails.

And a sum of one hundred pounds to pay the salaries of the Keepers of the three County Jails. £100 for Salaries for Keepers of Jails.

And a sum of fifteen pounds to pay the Matron of Queen's County Jail. £15 for Matron of Queen's County Jail.

And a sum of sixty pounds to pay the salary of the Keeper of the Colonial Building. £60 for Keeper of Colonial Building.

And a sum of six hundred and fifty pounds to defray the expenses of the three County Jails. £650 for expenses of Jails.

And a sum of forty pounds to pay the salaries of the Messengers of the Executive Council and public offices. £40 for Messengers of Executive Council and Public Offices.

And a sum of five pounds to defray the allowance of the Market Clerk at Georgetown. £5 Georgetown Market Clerk.

And a sum of sixty-two pounds and two pence towards the support of indigent Indians, and to pay off sundry debts for supplies advanced to them. £62 0s. 2d. for indigent Indians.

And a sum of five hundred pounds at the disposal of the Government to be paid to paupers, according to a scale agreed upon by the House of Assembly. £500 for Paupers, according to a scale.

And a sum of fifty pounds to defray the expenses of Boards of Health for the present year. £50 for Boards of Health.

And a sum of two hundred pounds, or so much thereof as will amount to two pounds for every pound paid by Subscribers, towards the funds of the Royal Agricultural Society. £200 to Royal Agricultural Society, according to subscriptions, &c.

£200 to purchase a thorough-bred Stud Horse.

And a sum of two hundred pounds to be placed at the disposal of the Royal Agricultural Society, to purchase and import a thorough-bred Blood Stud Horse for the service of the Island, the said Horse to be sold at public Auction on his arrival in Charlottetown, and any balance of the purchase money remaining, after payment of expenses, to be re-paid into the public Treasury; and the service of the said Stud Horse not exceed twenty shillings.

£50 for repairs of Colonial Building.

And a sum of fifty pounds to defray the cost of repairs of the Colonial Building.

£150 for Buoys and Beacons.

And a sum of one hundred and fifty pounds to defray the expence of Buoys and Beacons for the present year.

£100 for public Surveys.

And a sum of one hundred pounds to defray the expence of public Surveys during the present year.

£600 for public printing and stationary.

And a sum of six hundred pounds, or so much thereof as may be required, to defray the expenses of public Printing and Stationary for the present year.

£350 contingent expenses of Lunatic Asylum.

And a sum of three hundred and fifty pounds, in addition to the allowance by Statute, to defray the incidental and contingent expenses of the Lunatic Asylum for the present year.

£100 for Fuel for public offices.

And a sum of one hundred pounds to defray the costs of Fuel for the Public Offices and Legislature for the present year.

A sum sufficient for contingent expenses of Legislature.

And a sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly for the present year.

£1300 interest on Debentures.

And a sum of thirteen hundred pounds to pay the interest on Debentures for the present year.

And a sum of fourteen hundred pounds to pay the interest on Treasury Warrants for the present year. £1400 interest on Treasury Warrants.

And a sum of four hundred pounds to defray the contingent expenses of the Government for the present year. £400 contingent expenses of Government.

And a sum of five hundred and thirty pounds to defray the expenses of the following services: three High Sheriffs, sixty pounds; Crown prosecutions and Crown Officers' fees for miscellaneous services, and Jurors, and for the discovery of offenders, four hundred and fifty pounds; Crier of the Supreme Court, twenty pounds. £530 for the following services: £60 for Sheriffs; £450 Crown Prosecutions, &c. £20 Crier of Supreme Court.

And a sum of forty pounds for Coroners' Inquests. £40 Coroners' Inquests.

And a sum of two hundred pounds for repairs and disbursements in and about Government House during the present year. £200 repairs of Government House.

And a sum of fifty pounds for wages and fuel for the Gate-keeper at Government House for the present year. £50 for Gate-keeper at Government House.

And a sum of sixty pounds to defray the salary and disbursements at the signal station, Charlottetown, during the present year. £60 for Salary, &c., Signal Station, Charlottetown.

And a sum of forty pounds to pay the expenses of Favor's Express for the past year. £40 Favor's Express.

And a sum of thirty pounds to defray the salary of the Harbor Master and Keeper of the Bonded Warehouse, Charlottetown, for the past year. £30 Salary of Harbor Master, &c., for Charlottetown.

And a sum of one hundred and twenty pounds to defray the expenses of Gas Lamps and fittings for the use of the Government during the present year. £120 for Gas Lamps, &c., for Government.

£774 for Light-houses, &c

And a sum of seven hundred and seventy-four pounds to defray the expence of the following Lights and Lighthouses: Point Prim, Panmure Island, Richmond Bay, Cascumpec and Summerside Lights, six hundred and fifty pounds; Saint Paul's, and Scattari Island Lights, fifty-four pounds; and the Block House Light, Charlottetown, seventy pounds.

£250 for a Dredging Machine according to specification of Government.

And a sum of two hundred and fifty pounds to any person or persons who shall procure or construct a good and sufficient Dredging Machine, according to a specification to be agreed on by the Government, for improving the Harbours of this Island, and put the same in efficient operation in any of the harbors on the south side of the Island; such person or persons to be bound to hire the said Machine to the inhabitants of any harbor on the south side of the Island other than the one in which it is built, or to which it belongs, at certain rates to be fixed by the Government, but not to be allowed to sell or dispose of the same to be used off the Island.

£390 2s. 7d. to Teachers as per report of Assembly.

And a sum of three hundred and ninety pounds two shillings and seven pence, to be placed at the disposal of the Government, to be paid, agreeably to the report of the House of Assembly on Teachers' petitions.

£20 to Bog School.

And a sum of twenty pounds towards the support of the Bog School, Charlottetown.

£20 to Infant School, Georgetown.

And a sum of twenty pounds to the Master of the Infant School, Georgetown.

£50 to Committee of Legislative Library.

And a sum of fifty pounds to the Committee of the Legislative Library, for the purchase of Books and Maps.

£300 for Telegraph Company.

And a sum of three hundred pounds to pay the amount appropriated by Statute to the Telegraph Company.



And a sum of thirty pounds to the proprietor of the Charlottetown News Room towards reimbursing him the expenses of procuring telegraph messages during the present year.

£30 to Proprietors of Charlottetown News Room, for Telegraphic Messages.

And a sum of forty pounds to the Assessors of Summerside, to aid them in paying the balance due for the purchase of a Fire Engine.

£40 for Fire Engine at Summerside.

And a sum of fifty pounds, to be placed at the disposal of the Government, to be paid to William C. Bourke, as an encouragement to him in running a Steamboat from Charlottetown to Mount Stewart Bridge, on the Hillsborough River, during the present season, for the conveyance of passengers and freight, provided said Steamboat shall continue to run semi-weekly during the season, touching at the different wharfs on the river.

£50 to Wm. C. Bourke for running Steamboat from Charlottetown to Mount Stewart Bridge.

And a sum of forty pounds, at the disposal of the Government, to reimburse the Mayor and Corporation of Charlottetown for loss of Wharfage, in consequence of the steamer Westmorland occupying the head of Pownal Street Wharf during the present year, and to aid them in repairing said Wharf.

£40 to Corporation of Charlottetown for loss of wharfage caused by the Steamer Westmorland.

And a sum of thirty-five pounds to pay the rent of the Armory and Drill Room, in Pope's Building, Charlottetown, for the present year.

£35 for rent of Armory, &c.

And a sum of ninety-five pounds to pay the rent of the Bonded Warehouses, at Charlottetown and Summerside, during the present year.

£95 for rent of Bonded Warehouses at Charlottetown and Summerside.

And a sum of seventy-two pounds to defray the expenses of Pews in the different Churches in Charlottetown, in the following proportions, viz :

£75 for cost of Pews, as follows:

Episcopal Church, sixteen pounds;

£16 Episcopal Church.

Roman Catholic Church, fourteen pounds;

£14 R. C. Church.

£14 Church of Scotland.

Church of Scotland, fourteen pounds;

£7 Free Church.

Free Church of Scotland, seven pounds;

£7 Wesleyan Church.

Wesleyan Church, seven pounds;

£7 Baptist Church.

Baptist Church, seven pounds;

£7 Bible Christian Church.

Bible Christian Church, seven pounds.

£32 to various Postmasters, viz.:

And a sum of thirty-two pounds and ten shillings to pay the following Postmasters, viz:

Georgetown, £10.

The Postmaster at Georgetown, ten pounds;

St. Eleanor's, £5.

The Postmaster at Saint Eleanor's, five pounds;

Summerside, £10.

The Postmaster at Summerside, ten pounds;

Princetown, £5.

The Postmaster at Princetown, five pounds;

Tignish, £2 10s

The Postmaster at Tignish, two pounds and ten shillings;—over and above the amount of their salaries and per centage for the past year.

Sum sufficient to repair Jails, &c.

And a sum sufficient, at the disposal of the Government, to repair the Jails, and to erect and repair the Jail Fences at Charlottetown, Georgetown, and Saint Eleanor's.

£50 to Hector McLean and Duncan MacPhee, agreeably to report of Assembly.

And a sum of fifty pounds to Hec'or McLean and Duncan McPhee, agreeably to the report of the House of Assembly last session.

£25 to John Smith to indemnify him for loss of horse.

And a sum of twenty-five pounds to John Smith, Esquire, High Sheriff of King's County, to indemnify him for the loss of a Horse, which was shot last autumn on Brown's Road, King's County, where said Sheriff was at the time in the execution of his duty as Sheriff.

£2 10s. to Robert Kennedy for costs incurred prosecuting Charles MacQuarry.

And a sum of two pounds and eight shillings to Robert Kennedy, of Lot One, being the amount of costs incurred by him in prosecuting Charles Macquarry for a serious assault.

£12 to Patrick Cadden for compensation for loss rebuilding chim-

And a sum of twelve pounds to Patrick Cadden, to compensate him for losses sustained on his contract for rebuilding the Chimneys at Saint Eleanor's Jail, in the year of our Lord one

thousand eight hundred and fifty-seven, in consequence of a misstatement of facts set forth in the specification for said work.

ney at St. Eleanor's Jail.

And a sum of five pounds to John McPhee, Ferryman at Walshtown, for repairs of a Scow.

£5 to John McPhee for repair of Scow.

And a sum of ten pounds at the disposal of the Government to defray the expense of providing a Scow for the use of the inhabitants in crossing New Glasgow River at the Ferry, the same to be placed in charge of a person who will properly attend to the said Ferry.

£10 for Scow at New Glasgow River Ferry.

And a sum of fifteen pounds to the Office-bearers of the Mechanics' Institute of South-west, New London, in aid of their subscription list.

£15 to South West, New London, Mechanics' Institute.

And a sum of seven pounds and ten shillings to the President and Committee of the Mechanics' and Farmers' Club, at New Perth, to aid them in purchasing Books for their Library.

£7 to Mechanics' Institute at New Perth.

And a sum of three pounds to Robert Galbraith to re-imburse him for losses sustained by his being compelled to discontinue selling Liquors under a Store Licence.

£3 to Robert Galbraith to reimburse him for loss on liquor licence.

And a sum of five pounds and ten shillings to James Reid, being an amount of Impost duty overpaid by him at Cascumpec in the year of our Lord one thousand eight hundred and fifty-eight.

£5 10s. to James Reid for duties overpaid at Cascumpec.

And a sum of five pounds at the disposal of the Government towards paying the passage of Hugh MacLeod and wife to Canada; the said sum to be paid to the order of the Captain of the Vessel with whom they make their passage, one week after the said Vessel shall sail, having them on board.

£5 for passage money of Hugh MacLeod and wife to Canada.

£5 to James Forsyth, Esq., for Jacob Hayden, a lunatic.

And a sum of five pounds at the disposal of James Forsyth, Esquire, to clothe and procure necessaries for Jacob Hayden, a Lunatic, residing near Cascumpec.

£6 to Rev. Peter McIntyre for the relief of three idiots.

And a sum of six pounds to the Reverend Peter MacIntyre, for the relief of three idiot women named McDonald, residing near Horse Head, Lot One.

£5 to William Underhay, Esq. for Wm. Burke.

And a sum of five pounds to William Underhay, Esquire, for the use of William Burke, an old public servant, who has become a cripple.

£5 to Francis Buote.

And a sum of five pounds to Francis Buote, of Lot Two, an old Schoolmaster, towards the support of himself and an infirm and aged wife.

£5 to James Bearisto, Esq., for Edward O'Brien.

And a sum of five pounds to James Bearisto, Esquire, for the relief of Edward O'Brien, a cripple laboring under paralysis.

£3 to George Beer, Esq., for Marturin Maynard.

And a sum of three pounds to George Beer, Esquire, for the relief of Marturin Maynard, a native of France, who is aged and suffering from paralysis.

£5 to the Chief Justice for two idiot children of Mary Kelly.

And a sum of five pounds to the Honorable the Chief Justice, for the relief of two idiot children of Mary Kelly.

£50 for deepening the Harbor at Wood Island.

And a sum of fifty pounds at the disposal of the Government to aid the inhabitants in deepening and constructing the Harbor at the Wood Islands, provided they give or subscribe an equal amount of labor towards said work.

£36 19s. 10d. to James D. Haszard, Esq., for services as late Queen's Printer.

And a sum of thirty-six pounds nineteen shillings and ten-pence to James Douglas Haszard, Esquire, for services performed by him as late Queen's Printer, in full of all demands.

£29 15s. 2d. for repairs to Prince Street and Southport Wharfs.

And a sum of twenty-nine pounds fifteen shillings and two-pence half-penny for repairs to the Prince Street Ferry and Southport Wharfs.

And a sum of ten pounds to Mrs. Anne Cullen, in consideration of the services of her late husband, for many years the Chief Clerk of the House of Assembly.

£10 to Mrs. Anno Cullen.

And a sum of sixty-five pounds granted in the Session of the year one thousand eight hundred and forty-five for the purpose of deepening the entrance of French River, New London, and unexpended, be placed at the disposal of the Government, in aid of the amount now and hereafter to be subscribed by the inhabitants for that object, under such restrictions and conditions as the Government may see fit to impose.

£65 for deepening the entrance of French River, New London.

And a sum of two hundred and forty pounds at the disposal of the Government to secure efficient weekly steam communication between Georgetown and Pictou, Nova Scotia, Arichat, Ship Harbor and Port Hood, in the Island of Cape Breton, while the navigation shall be open, the steamer to call at Georgetown aforesaid to and from Pictou on said route.

£240 to secure steam communication between Georgetown and Pictou, &c.

And a sum of one hundred pounds at the disposal of the Government to procure a Sailing Packet between the Ports of Georgetown and Pictou during the time the navigation may remain open, provided a steamer should not be placed upon the said route.

£100 for Sailing Packet between Georgetown and Pictou.

And a sum of seven pounds to Raymond Campbell, of East Point, to reimburse him for the loss of a money letter from a Mail Bag in the year of our Lord one thousand eight hundred and fifty-seven, in accordance with the report of the Committee of the House of Assembly.

£7 to Raymond Campbell for money lost from Mail Bag, as per report of Assembly.

And a sum of thirteen pounds and ten shillings to Andrew Miller, of Lot Sixty-three, being amount due on his contract entered into with the

£13 10s. for money certified to be due by

Road Commis-  
sioner.

late Thomas Clow, Commissioner of Roads, and certified to be due by John Hyde, Esquire, Road Commissioner.

£40 to Mr.  
John Ball for  
services render-  
ed to Legisla-  
tive Council.

And a sum of forty pounds to Mr. John Ball, to compensate him for services rendered to the Legislative Council during the Session of the year one thousand eight hundred and fifty-nine.

£100 for Pri-  
vate Secretary's  
salary.

And a sum of one hundred pounds to the Private Secretary of the Lieutenant Governor for the current year.

£5 8s. to Ed-  
ward Whelan  
for advertising  
Land Assess-  
ment Sales for  
1852.

And a sum of five pounds and eight shillings to Edward Whelan for services performed in advertising Land Assessment Sales in the *Royal Gazette* newspaper in the year one thousand eight hundred and fifty-two.

£75 to the  
Speaker and  
£30 to each  
Member of the  
House of As-  
sembly.

And a sum sufficient out of the amount voted for the expenses of the Legislature to pay the Speaker seventy-five pounds and each of the other Members thirty pounds for their attendance during the present Session, together with their usual travelling charges in twice coming to and returning from the House of Assembly.

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### CAP. XXXVIII.

An Act to invest the management of the Presbyterian Burial Ground at Georgetown in the Minister and Trustees of the Presbyterian Church.

[Passed 2nd May, 1860.]

Preamble.

**W**HEREAS a certain quantity of the Common of Georgetown has been granted to the Presbyterians for a Burial Ground, and it is found necessary that the control and management of the same should be vested in some proper authority:

**I.** Be it enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act the Minister and Trustees of Saint David's Church, Georgetown, together with the Minister and Trustees of any other Presbyterian Church that may hereafter be erected and organized in said town of Georgetown, shall have full and complete control and sole authority over said Burial Ground as granted to Presbyterians as aforesaid; and it shall be lawful for said Ministers and Trustees, or a majority of them, to appoint from time to time a fit and proper person to superintend all interments in said ground, and to prevent persons trespassing on the same.

Minister and Trustees of St. David's Church, &c., to have control of Burial Ground.

**II.** Any person or persons trespassing on said ground or laying off or enclosing any portion of the same, or digging in said Burial Ground contrary to or against the wish or consent of the person appointed to superintend the same, shall be liable to an action for trespass before any two or more of Her Majesty's Justices of the Peace.

Liability of trespass.

**III.** In the event of no Clergyman being resident in Georgetown, then the Trustees to have full power and authority to act in all matters connected with said Presbyterian Burial Ground.

When Trustees have control of Burial Ground

## CAP. XXXIX.

An Act for separating the Offices of Clerk of the Executive and Legislative Councils of this Island, and for other purposes therein mentioned.

[Passed 9th March, 1860.]

Preamble

**W**HEREAS in consequence of the great increase of the public business of this Island, and more especially of the business of the Executive Council, it is deemed expedient that the Offices of Clerk of the Executive Council and Clerk of the Legislative Council should no longer be held by one and the same person:

Separates the Offices of Clerks of Legislative and Executive Councils.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the Office of Clerk of the Legislative Council of this Island shall be, and the same is hereby constituted, an Office separate and distinct from the Office of Clerk of the Executive Council of this Island, and the said Offices shall not be held by one and the same person.

Road Correspondent to cease to be Assistant Clerk of Executive and Legislative Councils.

Repeal such parts of the 1st section of 18 Vic., cap. 19, as connects the duties of Road Correspondent with Clerk of Executive and Legislative Councils.

II. That the Road Correspondent of this Island shall cease to be Assistant Clerk of the Executive and Legislative Councils; and so much of the Act passed in the eighteenth year of the reign of Her present Majesty, intituled "An Act relating to the Office of Road Correspondent, and the appointment of Assistants in the several Offices in this Island therein mentioned," as enacts that the duties of the said Office of Road Correspondent, together with the duties of the Assistant Clerk of the Executive and Legislative Councils, shall be performed by one



and the same person, shall be, and the same is hereby repealed.

III. That so much of the Act passed in the fourteenth year of the reign of Her present Majesty, intituled "An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain compensations therein mentioned," as enacts that the Office of Clerk of the Executive Council shall be separate and distinct from the Office of Colonial Secretary, and shall not be held by one and the same individual, shall be, and the same is hereby repealed.

Repeals so much of the 15th section of 14th Vic., cap. 3, as separates the Offices of Clerk of Executive Council and Colonial Secretary.

IV. That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government of this Island for the time being, by and with the advice of the Executive Council, to nominate and appoint an Assistant Clerk or Clerks of the Executive Council of this Island, who, after having taken the usual oaths of Office before the Lieutenant Governor, or other Administrator of the Government of the Island, for the time being, in Council, are hereby authorised to exercise and perform all the powers and duties of the Clerks of the said Council, as prescribed by the several Acts of the General Assembly of this Island, or which otherwise by Law the said Clerks of the Executive Council are required or authorised to do; and such Assistant Clerk or Clerks, in the performance of their respective duties, shall be subject to the supervision of the Clerk of the Executive Council.

Lieut. Govern-  
or in Council  
to appoint As-  
sistant Clerks  
of Executive  
Council.

Clerks to take  
the usual oaths  
of Office, &c.

V. That there shall be paid to the person who shall hereafter hold or be appointed to the Office of Clerk of the Legislative Council, the sum of seventy-five pounds; as and for the salary of that Office, the same to be in lieu of all fees of office, allowances and emoluments whatsoever.

Salary of the  
Clerk of the  
Executive  
Council.

Salary of 1st  
Assistant Clerk  
of Executive  
Council.

VI. That there shall be paid to the person who shall be appointed Assistant Clerk of the Executive Council, the sum of two hundred pounds, in lieu of the salary heretofore payable to the Clerk of the said Council, and in lieu of all fees of Office, allowances and emoluments whatsoever, heretofore payable to the Clerk of the Executive Council.

Salary to 2nd  
Assistant Clerk  
of Executive  
Council.

VII. That there shall be paid to the person who shall be appointed the Second Assistant Clerk of the Executive Council, the sum of one hundred pounds, in lieu of all fees and emoluments whatsoever.

Salaries of  
Clerks of the  
Executive  
Council to be  
paid quarterly  
by Warrants  
on the Treas-  
ury.

Salary of Clerk  
of Legislative  
Council by  
Warrant on  
the Treasury,  
when Commit-  
tee of Legisla-  
tive Council  
shall certify  
the duties been  
performed.

VIII. That the salaries hereinbefore in and by this Act mentioned, and appointed to be paid to the Assistant Clerks of the Executive Council, shall be paid quarterly, by Warrant on the Treasury of this Island, in the same manner as the salaries of the Public Officers of this Island are now paid; and also to be paid to the Clerk of the Legislative Council the said sum of seventy-five pounds, by Warrant on the Treasury of this Island, so soon as the Committee appointed by the Legislative Council for that purpose shall certify that the said Clerk hath fully completed his Legislative Council duties.

CAP. XI.

An Act to amend the Act for the transfer of the management of the Inland Posts within Prince Edward Island.

[Passed 9th March, 1860 ]

**W**HEREAS it is deemed expedient to amend the Act made and passed in the fourteenth year of the reign of Her present Majesty, intituled "An Act to provide for the transfer of the management of the Inland Posts within Prince Edward Island," by rendering compulsory the pre-payment of the postage chargeable on all Letters posted in this Island, and addressed to the United Kingdom of Great Britain and Ireland:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that at and after the expiration of three months from the passing of this Act, and its publication in the *Royal Gazette* newspaper of this Island, all letters and packets which shall be posted in the different Post Offices within this Island, and addressed to the United Kingdom of Great Britain and Ireland, shall be pre-paid.

Three months after passing of this Act, and after publication in Gazette all Letters, &c. posted for Great Britain and Ireland to be prepaid.

II. That if any letters or packets shall be posted in any Post Office within this Island, and addressed to the United Kingdom of Great Britain and Ireland, and the full rate or rates of postage with which such letters or packets may be chargeable, shall not be prepaid, or shall be paid but in part, such letters and packets shall, notwithstanding such non-pre-payment or part payment of the postage, be duly forwarded to their destination, and shall be chargeable with the amount of postage due thereon, and in ad-

Where the full rate of postage shall not have been prepaid on letters addressed to Great Britain, &c., such letters to be forwarded, and to be chargeable with balance of postage and a fine of 6d.

Fine how ap-  
propriated.

dition thereto, with a fine of six-pence sterling money of Great Britain, for each letter or packet the postage payable on which shall not have been paid, or shall have been paid but in part, which said fines, and all moneys arising therefrom, shall be divided equally between the United Kingdom and this Island.

Lieut. Govern-  
or to cause  
postage stamps  
to be used.

III. And also, that the Lieutenant Governor of this Island, or the Administrator of the Government for the time being, by and with the consent of the Executive Council, may, from time to time, cause Stamps, with their value printed thereon, to be sold and used as postage.

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### C A P. X L I.

An Act to amend an Act made and passed in the eighteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to consolidate and amend the Laws now in force relating to the Office of Sheriff in this Island."

[Passed 9th March, 1860.]

Repeals 2d, 3d,  
and 7th Sec-  
tions of 18th  
Vic., cap. 7.

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, that the second, third and seventh sections of the Act made and passed in the eighteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to consolidate and amend the Laws now in force relating to the Office of Sheriff in this Island," be, and the same are hereby repealed.

The Chief Jus-  
tice, in his

I. From and after the passing of this Act, the Chief Justice, or, in his absence, the Master of

the Rolls, shall once in every year, that is to say, on the third Monday in April, annually, nominate, in writing, three proper and fit persons in each County of this Island, to be made Sheriffs of the several Counties thereof; a copy of which nomination being signed by the said Chief Justice, or the Master of the Rolls, shall immediately thereupon be presented by the said Chief Justice, or Master of the Rolls, to the Lieutenant Governor, or other, the Administrator of the Government for the time being, who is hereby empowered immediately to prick one Sheriff out of the said number for each of the several Counties of this Island to serve as Sheriffs for the ensuing year, each residing within the County for which he shall be appointed Sheriff, and who, upon giving security by bond as hereinafter mentioned, and taking the usual Oaths of Office, shall receive their Commissions, and be invested with all the powers, privileges and authorities of High Sheriffs in each of their respective Counties.

absence the Master of the Rolls, on the 3rd Monday in April annually to nominate three persons for each County for the Office of Sheriff.

The Lieut Governor to prick one Sheriff out of said number for each County for Sheriff for each of said Counties.

Sheriff to reside within the County for which he is appointed, to give security, and take Oath of Office, and thereafter to be invested with all the powers of Sheriff, &c.

II. Any person nominated and appointed under this Act to the Office of Sheriff, after eight days' notice of such, his appointment, refusing to accept the same, shall be liable to a penalty of twenty pounds.

Persons refusing to accept the office of Sheriff liable to a penalty of £20.

III. Any Member of the Legislature, if appointed, may refuse to accept the Office of Sheriff, without being liable to any penalty; provided that such Member of the Legislature shall, within eight days after receiving notice of his appointment, signify to the Lieutenant Governor, or Administrator of the Government for the time being, his refusal to serve in the said Office.

Member of the Legislature may refuse the Office of Sheriff without being liable to fine, if refusal notified within 8 days after notice of appointment.

IV. Upon each and every such refusal the

Upon every refusal Chief Justice, &c., to make out another list, Lieut. Governor to prick one nominated thereout, &c.

Chief Justice, or in his absence, the Master of the Rolls, shall make out another list of proper and fit persons to serve the Office of Sheriff as aforesaid, and shall deliver the same as aforesaid to the Lieutenant Governor, or Administrator of the Government for the time being, who is hereby empowered to prick one nominated person thereout, who, upon refusal, after having received notice as aforesaid, shall be liable to the said fine; and so to continue by new returns and appointments, until a person shall be nominated and appointed who will consent to, and actually serve, the said Office of Sheriff.

Sheriff to remain in office until another appointed.

V. Every Sheriff shall remain in Office until another be appointed and sworn in his stead.

In case of death of Sheriff, new appointment how to be made.

VI. If the Sheriff of any County die whilst in Office, another Sheriff shall immediately be appointed for the remainder of the year, in the manner as hereinbefore directed, who shall give the same security and be liable to the same penalties and provisions as other Sheriffs appointed under this Act; but the Deputy of the deceased Sheriff shall continue in Office, and the sureties of the Sheriff so dying shall be liable for such Deputy until such new appointment be made.

Deputy Sheriff to remain in office; liability of his sureties.

VII. Every Sheriff shall, before taking the usual Oaths of Office, deposit in the Colonial Secretary's Office a Bond for the due discharge of the duties of Office, to be made to Her Majesty, himself in one thousand pounds, with two sureties each in five hundred pounds, each, of which sureties shall justify, on oath, for their respective amounts, before one of the Judges of the Supreme Court of Judicature, and the Bonds shall be registered in the Colonial Secretary's Office, on the Oath of a subscribing witness. When Bonds are lost, certified copies shall be receivable in evidence.

Nature and amount of security to be given by Sheriff, &c.

Bond to be registered in Secretary's Office.

VIII. Any person injured by any act or omission of a Sheriff, may sue on his Bond in the name of the Queen, and be entitled to the proceeds, with costs. The Defendant shall be entitled to costs, if judgment be given in his favor, but no action shall be brought upon the Bond, until judgment shall first have been received against the Sheriff.

Remedy of persons injured by act of Sheriff, &c.

IX. All actions against Sheriffs must be brought within three years from the accruing thereof.

Actions to be brought against Sheriffs within 3 years.

### CAP. XLII.

An Act to authorize a Cash Account to be opened by the Governor in Council with the Bank of Prince Edward Island.

[Passed 2nd May, 1860.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. The Governor may cause a Cash Account to be opened at the Bank of Prince Edward Island, and may borrow and receive from such Bank such sums of money, not exceeding in the whole the sum of ten thousand pounds, as may be necessary for the use of the Colony, in such amounts as may from time to time be required, under such conditions, and upon such terms, stipulations and agreements, for the payment and repayment of such moneys, and for the management of such Accounts, as by the Governor in Council may be established, prescribed and directed, with the consent of the President, Directors and Company of the said Bank of Prince Edward Island.

The Lieut. Governor may cause a Cash Account to be opened at Bank of P. E. Island.

The account not to exceed £10,000.

The money how to be drawn.

Public Funds, monies and credits subject to certain claims, pledged for the repayment of all monies borrowed and balance of account due the said Bank.

II. For the repayment of all moneys borrowed under this Act, and for the final payment and discharge of the balance which shall be remaining due and unpaid on the final closing of the Accounts with the President, Directors and Company of the said Bank of Prince Edward Island, with interest, the Public Funds, moneys and credits of this Colony are hereby pledged and rendered liable; subject, nevertheless, to the prior liens, pledges and claims of all Treasury Warrants and Debentures, which shall be outstanding and unpaid at the time of contracting any debt or debts, under and by virtue of the provisions contained in this Act.

An account of all sums borrowed, &c., to be laid before Legislative Council and House of Assembly.

III. An Account of all sums borrowed or repaid under this Act, with the date of the loans, and re-payments respectively, shall be laid before the Legislative Council and the House of Assembly, each Session, so long as such an Account is mutually kept open.

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### CAP. XLIII.

An Act to make certain alterations in the Laws for the performance of Statute Labor on, and the improvement of, the Highways.

[Passed 9th March, 1860.]

Preamble.

**W**HEREAS it hath become necessary to make certain alterations in the Statutes of the General Assembly of this Island, passed for the performance of Statute Labor on the Highways, by providing for the repairs of certain Roads being done for a term of years under public contracts; also, by reducing the rate of



commutation money and prescribing regulations, more efficiently to secure the performance of the said labor, or payment of the said commutation money, by all persons liable for such performance or payment :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing hereof, the repairs on all the Highways and public Roads described and mentioned in the Schedule to this Act annexed, marked (A), shall and may be done and performed by any person or persons who shall undertake and agree with the Commissioner of Highways for the District in which such Roads shall be situate, to do and perform the same at the lowest rate yearly for any term of years, not being less than three nor more than five years, as shall be required by the said Commissioner of Highways; and said Commissioner shall and may, with the sanction and approval of the Lieutenant Governor in Council, let the whole of such part of the said Roads as shall be within his District in one contract, or different parts in different contracts, as shall be deemed most conducive to the public interests; and shall previously cause to be prepared a specification in writing describing the particular manner in which the extent of the Road to be included in each contract shall, from one place to another, be repaired and kept in order, the number of feet in width, and what height to be arched or elevated, and what parts shall be kept drained or covered with stone or other material, and all other such particulars as he shall deem necessary.

The repairs on all Highways mentioned in Schedule (A) may be performed by any person who shall agree with a Commissioner of Highways for any term of years not less than 3 nor more than 5 years.

Commissioner may, with sanction of Governor in Council, let the whole of such part of the post roads within his District in one contract or different contracts.

To provide a specification of the manner, &c., in which the road is to be repaired and kept in order.

II. Every Commissioner of Highways for the District through or into which any part of the said specified Highways shall pass, shall, and he is hereby required, before advertising for tenders,

Every Commissioner before advertising for tenders to cause the por-

tion of Highway within his District to be divided into sections of 5 miles in extent, &c.

as hereinafter provided, to cause the portion of such Highway within his District to be divided into sections, as nearly as may be, of five miles in extent each, for the purposes of this Act, such sections to be described as commencing and terminating at certain particular places on the road, and to be numbered 1, 2, and 3, (as the case may be,) and to be so regulated as not to comprise parts of different precincts in any one section.

Each of said Commissioners required within one month after passing of this Act, &c., to cause advertisements to be inserted in Royal Gazette, &c., calling for tender for each of the several sections in his District.

Matters to be set forth in the Tenders.

III. Each of said Commissioners shall, and he is hereby required and directed, within one month after the passing of this Act, and as often afterwards as occasion shall require during the continuance hereof, cause advertisements to be inserted in the *Royal Gazette* newspaper of this Colony, and shall also cause similar advertisements to be posted up in different places along the said Highways within his District, giving at least fourteen days' notice thereof, requiring and calling for tenders for each of the several sections in his District—such tenders to be sent in to the office of the Road Correspondent, in Charlottetown, at a certain day and time to be in the said advertisement named, setting forth in such tender the lowest rate or sum per mile at which parties will be willing to contract for the keeping in good and efficient repair the respective sections of the said Highways within the said Districts, per year, for a period of three years; and also the rate or sum per mile at which they will contract for the same per year for a period of five years, according to the specification of the Commissioner, (one copy of which shall be kept in his office, and a duplicate copy thereof shall be transmitted by him to the office of the Road Correspondent at Charlottetown,) and in such notice shall be set forth and specified the number of persons residing within the several sections of

Notice to set forth number of persons

the said road within the District liable to the performance of Statute Labour, and also the number of Horses and pairs of Oxen, in the aggregate, owned by persons resident within such sections, as truly and correctly as such Commissioner shall be enabled to ascertain the same; and any person or persons who shall take down, deface, or destroy any advertisement posted as aforesaid, shall be liable to a fine, not exceeding three pounds, for every such offence.

liable to perform statute labour, and also number of horses and pairs of oxen owned by persons resident within such sections.

Any person defacing advertisements, liable to a fine.

IV. Each and every Tender so sent in to the office of the Road Correspondent, shall be laid before the Lieutenant Governor and Council before being opened; and no Commissioner of Highways shall be at liberty, under any pretence whatever, to enter into any contract with any party under this Act, until the Lieutenant Governor and Council shall have signified to him their approval or acceptance of any particular tender.

Each tender before being opened to be laid before Governor in Council.

No Commissioner to enter into a contract until Governor in Council have approved of the particular tender.

V. After such approval or acceptance of any such Tender as aforesaid, the contract to be entered into between the said Commissioner and the person or persons so tendering for the repairs of the said Roads, shall be in writing, signed by each of the parties, and the same shall be accompanied by a Bond signed by the Contractor or Contractors, with two sufficient sureties for the due and faithful performance of the contract, and the amount or sum agreed on for each year of the time or term of the contract shall be expressed separately, and shall be payable yearly, as the same shall accrue, by the direction of the Lieutenant Governor, to the Contractor or Contractors, their Executors or Administrators, on production of a certificate of the Commissioner of the District for the time being, stating that the contract hath been faithfully performed,

Contract to be in writing, and to be accompanied by a Bond with two sureties.

Mode of Contractor's obtaining payment under his contract.

agreeably to the contract, up to the end of the year for which the said certificate shall be given.

Penalty on Commissioner for granting a false certificate, &c., as required by the last preceding clause.

VI. Every Commissioner who shall falsely grant the certificate required by the last preceding clause, knowing the matter certified to be untrue, or who from culpable negligence of his duty shall certify to what he might otherwise have ascertained to be untrue, shall forfeit and pay for every such offence a fine of not less than two pounds, nor more than twenty pounds, the same to be recovered in Her Majesty's name in any Court of Commissioners for the recovery of Small Debts, situate in the County and in the vicinity of some or one of the principal roads mentioned in the said contract, or before the Supreme Court of Judicature, at the option of the prosecutor.

Every Contractor to have the right to sue the Government, where the payment of his contract shall be refused on the grounds of its not being duly performed.

VII. Every Contractor, or party Contractors, where the payment of his or their contract money shall be refused on the grounds of not having duly performed his or their contract, shall have a right to sue the Government of this Island, in the name of the Commissioner for the time being, for the amount thereof, on its being certified in writing by any two of Her Majesty's Justices of the Peace, resident in the vicinity of the roads mentioned in the said contract, that such contractor or contractors has or have, in their opinion, just cause of action against the said Government, and upon such certificate being filed with the Clerk of the Supreme Court.

Costs of any action to be in the discretion of the Supreme Court.

VIII. In case any Contractor shall bring any such action as aforesaid, the costs thereof, whatever the result of the suit may be, shall be, in the discretion of the Supreme Court, which Court shall exercise an equitable jurisdiction as to the payment of the said costs, and order them

to be paid to or by either party, or to be apportioned between the said parties; and in all cases where judgment shall be finally awarded in favor of the said contractor or contractors, he or they shall be entitled to receive the amount thereof out of the Public Treasury of this Island, by Warrant under the hand and seal of the Lieutenant Governor; and in any case where no order shall be made for payment of costs by the said Contractor or Contractors, to the said Commissioner, he the said Commissioner shall be entitled in like manner to receive the costs by him incurred out of the public Treasury of this Island, unless from anything appearing in the conduct of the said Commissioner, the said Court shall order him personally to pay or sustain his own costs.

IX. In addition to the sum or consideration agreed to be paid to the contractor or contractors, he or they shall be entitled to the benefit of all Statute Labor which would have been performed on the Roads so by him or them contracted for, had such roads not been within the said Schedule (A), or not been let by contract by virtue of this Act; and also to all commutation money payable in lieu of such Statute Labor, after such money shall be collected and received by the Overseer of the Precinct, or Overseers of the Precincts through or into which the road or roads contracted for shall extend, anything in the eleventh or twenty-sixth sections, or any other part of the said Statute Labor Act, to the contrary thereof, notwithstanding; and it shall be the duty of the said Overseer, and he is hereby required, before making his return to the Commissioner under the said Statute Labour Act, to pay over to the contractor or contractors the amount of commutation

Contractor to have the benefit of Statute Labor and commutation money.

money received by such Overseer in respect of that part of such public road so contracted for which shall be comprised within his precinct.

Commissioner at the time of signing contract to deliver to Contractor a list of the several persons whose Statute Labor or commutation money shall be applicable to the contractor's benefit, &c.

X. It shall be the duty of the Commissioner at the time of signing and entering into such contract as aforesaid, to deliver to the contractor a list in writing containing the names of the several persons whose Statute Labour or commutation money shall be applicable to the contractor's benefit, by virtue of this Act; but no allowance shall be made to the said contractor on account of the death, removal or privilege of persons named in the said list; nor shall he be chargeable with the labor or commutation money of persons who shall from time to time be liable to be added to those enumerated in such list, and whose labor or commutation money shall thereby become also applicable to the benefit of the said contractor or contractors.

The Statute Labor to be applied under the superintendence of the Overseer of the Precincts as heretofore, but Contractor to have power of pointing out particular places where he prefers having the Statute Labor performed; also to have choice as heretofore exercised by Statute Labor Overseers of having the labor of men in place of horses or oxen in manner allowed by 4th section of the Statute Labor

XI. The Statute Labour to be applied on the road or roads within any contract as aforesaid, shall be performed under the superintendence of the Overseer of the precinct, or Overseers of the precincts as heretofore, and strictly in accordance with the provisions of the Act of the General Assembly passed in the fourteenth year of the reign of Her present Majesty, chapter sixteen, as allowed by this Act, which said Act of Assembly shall and may hereafter in this Act, for brevity sake, be cited as "The Statute Labor Act;" but the contractor shall have the power of pointing out the particular place or places being within the distances from the residences of those persons performing such labour, as already defined in the said "Statute Labour Act;" and shall also have the choice, as heretofore exercised by Statute Labour Overseers, of having the labour of men in place of horses or oxen, in

manner allowed by the fourth section of the aforesaid Statute Labour Act, on making it known to the overseer or overseers of the precinct or precincts, at least six days before the day appointed for the commencement of the performance of Statute Labor; and such overseer or overseers shall thereupon notify the owners of such horses or oxen accordingly.

Act, on making it known to the Overseer.

XII. All persons liable to perform Statute Labor, by virtue of the Statute Labor Act, or any other Act of the Assembly of this Island, shall have the option, instead of such labour, to pay annually, on or before the first day of the commencement of the Statute Labour in the respective Districts, the sums of money following, that is to say: Any male person, not being the owner or possessor of a horse or pair of oxen, the sum of three shillings; and any person, whether liable to or exempted from the performance of Statute Labor or not, owning or possessing one or more horses above the age of four years, or one or more pairs of oxen, the sum of one shilling and sixpence for each and every such horse or pair of oxen owned or possessed by such person: Provided, that where a widow having no male children under her control above the age of sixteen years, or who employs no male servants above that age, shall own but one horse, such widow shall be exempted from the payment of commutation money for the same.

All persons liable to perform Statute Labour to have the option of commuting at certain rates.

XIII. Every Commissioner shall expend the money paid to him under the preceding section of this Act, (except such amount or proportion thereof as shall by virtue of this Act be payable to any yearly contractor or contractors for repairs of public roads) on the Highways within his District, but only on such Highways or parts of Highways as shall not be included in any

Every Commissioner to expend commutation money (with a certain exception) on the Highways within his District; also to deliver an account of all moneys receiv-

ed by him, and of the application thereof, certified and attested before a Justice of the Peace in the form set forth in Schedule B, and also makes a report of his doings as Commissioner, &c.

such contract as last aforesaid, and in such way and manner as shall appear to him not conducive to the public interest; and shall, within five months after the period for the performance of the Statute Labor, deliver in to the Lieutenant Governor and Council an exact account of all moneys received by him as Commissioner as aforesaid, and of the application thereof; and he shall certify and attest to the same before one of Her Majesty's Justices of the Peace previous to transmitting the same, in the form set forth in the Schedule to this Act annexed, marked (B), and shall at the same time make a full and distinct report of all his actings and doings as such Commissioner, with an account of the state and condition of the Highways within his District prior to the performance of Statute Labor, and subsequent thereto; and until such account and report shall be given in, such Commissioner shall not be entitled to receive any salary or recompence whatever for such services.

No salary to be paid until account and report be given in.

Every Commissioner who neglects to certify and attest his account, to forfeit a sum not exceeding £5.

Mode of recovery.

XIV. Every Commissioner who shall neglect or refuse to certify and attest the account as herein directed, shall forfeit and pay a sum not exceeding five pounds, the same to be recovered, with costs of suit, in the name of the Road Correspondent for the time being, or any other person who shall prosecute for the same, on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace in the County wherein such Commissioner's District shall be situate.

Every person 20 years of age who performs his Statute Labor or pays his commutation money or City tax in lieu

XV. Every person who shall have duly performed his Statute Labor, or paid his commutation money, or City tax in lieu thereof, and being of the age of twenty years, shall be entitled to receive from the Overseer of Roads for the Precinct wherein such person shall have resided,



or if resident in Charlottetown, from the City Collector, a Certificate in writing, or partly in print and partly in writing, subscribed with the name of said Overseer or City Collector, written by himself, or by some person in his presence, and by his authority and request, wherein shall be acknowledged and expressed the performance of the Statute Labor, or receipt of commutation money or City tax, as performed or paid by the person named in said Certificate, whose name or names shall be written in full, and the date of the year (which shall be in words at length) for which such labor shall have been performed, or commutation money or City tax paid, and which Certificate shall also bear date on the day when signed, and shall and may be in substance, according to the form in the Schedule to this Act annexed, marked (C), and when granted to any person between the ages of twenty and twenty-one years, shall have expressed therein, the additional words "under age."

thereof, to be entitled to receive a certificate in writing from the Overseer or City Collector wherein shall be acknowledged the performance of the Statute Labor or receipt of commutation money.

Form of Certificate in Schedule (C).

XVI. Every Overseer or City Collector shall be entitled to retain, out of the commutation money or City tax paid into his hands, three pence for every Certificate so by him given as aforesaid.

Fee to Overseer or City Collector for Certificate.

XVII. No Overseer or City Collector shall, on any account, grant or sign any such Certificate after the lapse of two calendar months next after the day limited for the performance of Statute Labor or payment of commutation money or City tax.

After a specified time no Overseer or Collector to grant a Certificate.

XVIII. Any person whose lawful Certificate shall have been lost or destroyed by unavoidable accident or misfortune, shall be entitled to a duplicate thereof from the said Overseer or City Collector, on subscribing an Affidavit in writing,

Any person who loses his Certificate may obtain a duplicate thereof in certain cases and

upon certain conditions.

and swearing thereto before any one of Her Majesty's Justices of the Peace residing in or near the Precinct or Town where such person shall have performed, or been liable to perform, his Statute Labour, and on payment of the sum of three pence to the Overseer, for such duplicate, who shall write thereon the word "Duplicate." Provided that the cause or means by which the original Certificates shall have been lost, shall in such affidavit be clearly expressed, and the said affidavit shall be countersigned by the said Overseer or Collector, and afterwards returned by him to the Commissioner for his Precinct, or to the Mayor of the City, as the case may require.

Every person forging or altering a Certificate or making use of a forged Certificate to be deemed guilty of forgery.

**XIX.** Every person who shall forge or counterfeit, or in order to forge or counterfeit, shall erase or alter any Overseer's or Collector's Certificate, granted as aforesaid, or shall utter or make use of any such forged, counterfeited, altered or erased Certificate, knowing the same to have been forged, counterfeited or so erased or altered, with intent to defraud, shall be deemed guilty of forgery, and shall suffer the pains and penalties now by law inflicted upon persons guilty of the offence of forgery.

Overseer or City Collector to prepare a list containing the names, &c., of all persons within his Precinct who have performed Statute Labor or paid commutation money according to form in Schedule (D).

**XX.** After the expiration of the time limited by the Statute Labor Act for the performance of Statute Labor, or by the City Law for payment of City tax, every Overseer of Highways or City Collector shall prepare a List containing the names, set forth at full length, of all persons within his Precinct who have performed their Statute Labor, or paid their commutation money, or City tax, in lieu thereof, as well as of all persons eligible to perform the same, but who shall have been excused or privileged from such performance by Act of the General Assembly;

together with the ages and places of residence of all such persons; which list shall be according to the form set forth in the Schedule to this Act annexed, marked (D), and the same shall be delivered into the hands or custody of the Commissioner of Highways authorised to receive the same, or to the Mayor of the City, where made by the City Collector, on or before the first day of August, in each year.

XXI. The said List, when duly made up and returned in manner aforesaid, shall stand and serve in lieu of the list of persons liable to perform Statute Labor heretofore contained in the Overseer's Return to the Commissioner of Highways, as required by the Statute Labour Act.

The said List to be in lieu of the List heretofore contained in the Overseer's Return to the Commissioner.

XXII. Every List to be made out and delivered as aforesaid, shall be attested and subscribed to by the Overseer or Collector whose duty it is to make up the same, before one of Her Majesty's Justices of the Peace, in the following form, namely:

Every List to be attested and subscribed to by the Overseer or Collector, before a Justice of the Peace, in the following form:

" I, A. B., do swear that the foregoing (or annexed) List of men's names and residences, contains, as far as I can ascertain, and according to the best of my information and belief, the names and residences of all persons liable to perform Statute Labour in my Precinct, (or liable to pay City tax in lieu of Statute Labor,) as well as of those who by some Act of Assembly are especially excused or privileged therefrom.

" A. B., Overseer,"  
(or " City Collector.")

Sworn before me, this      day of      186  
C. D., J. P.

XXIII. The reference to the account of " all persons liable to perform Statute Labour " in

So much of Schedule (D,) in the Statute Labour Act as

refers to the account of "all persons liable to perform Statute Labor," hereafter, to be omitted.

Every Commissioner to keep together, without alteration, the various lists returned to him by the Overseers.

To enclose the same under seal to the Road Correspondent, after the 1st of Aug. in each year, who is to keep such lists under label, denoting the County, &c.

Where any Overseer or Collector doubts the age of any person applying for a Certificate, not to grant the same unless an affidavit be made testifying the age of the applicant.

The absence of the name of any person in any list to be

the form of oath prescribed in Schedule (D) to the Statute Labour Act, shall hereafter be omitted in all cases where the oath lastly above prescribed shall have been taken.

**XXIV.** Every Commissioner of Highways shall carefully keep together the various lists of persons returned to him by the Overseers as having performed their Statute Labor; or paid their commutation money, and shall on no account alter or suffer, or permit any other person to alter the same in any particular; and shall, as soon as possible after the first day of August, in each year, transmit the same enclosed and sealed to the Correspondent of Roads, in Charlottetown, whose duty it shall be to keep such lists each respectively under label denoting the County and District to which every such list belongs, in order that reference may at any time be made, with as little inconvenience and research as possible, to any particular list or any particular name in any such list.

**XXV.** In every case where any Overseer of Roads, or Collector of City tax, shall entertain any doubt of the age of any person applying for a Certificate of the performance of his Statute Labour, or payment of his commutation money, or City rate, no such certificate shall be granted to any such applicant, unless an affidavit shall be first subscribed and sworn by him, or some other credible person, before a Justice of the Peace, or Commissioner of Small Debts, testifying to the age of such applicant, and lodged with such Overseer or Collector as aforesaid.

**XXVI.** Whenever it shall become necessary to ascertain in or by any judicial inquiry, or before any lawfully constituted tribunal, the fact of any person having duly performed his Statute

Labor, or paid his commutation money, or City tax in lieu thereof, reference may be had to the lists returned as aforesaid to the Road Correspondent and Mayor of the City; and the absence of the name of such person in such list shall be deemed *prima facie* evidence of his not having performed his Statute Labor, or paid his commutation money or City tax.

deemed *prima facie* evidence before any Court, of his not having performed Statute labour or paid his commutation money, or city tax.

**XXVII.** Every Overseer of Statute Labour, or Collector of City tax, who shall grant any Certificate falsely testifying that the person therein named hath performed his Statute Labour or paid his commutation money, or City tax, with intent that such false certificate shall be used to deceive, mislead, or defraud any judicial officer or minister of justice, each and every Overseer or Collector as aforesaid shall forfeit and pay for every such offence any sum not less than ten pounds, nor more than thirty pounds; the same to be recovered, if over twenty pounds, in Her Majesty's Supreme Court of Judicature, by bill, plaint, or information, on the oath of any one or more credible witness or witnesses; and if under twenty pounds, then in any Court of Commissioners for recovery of Small Debts in the County wherein such offence shall have been committed.

Every Overseer or Collector granting a false Certificate shall forfeit not less than £10 nor more than £30.

Mode of recovering penalty.

**XXVIII.** All Fines imposed by this Act, where not otherwise especially appropriated, shall be paid, one half to any person who shall prosecute and sue for the same, and the other half into the Treasury of this Island, to and for the use of Her Majesty's Government.

Fines, how appropriated.

**XXIX.** Ministers of Religion and Country Postmasters, as well as all Teachers of Schools, who are entitled to receive Legislative aid, as such, shall be exempt from the performance of

Persons exempt from Statute labour.



for this Precinct (or Town) for the year ending the day of            one thousand eight hundred and sixty (as the case may be.)

*A. B.*, Overseer of Roads.  
or, City Collector.

[N. B.—The year in the body of the Certificate, and the christian name or names, and surname of the person mentioned, and whether senior or junior, to be written in full; and if two or more persons of the same name, not being father or son, reside in the same Town or Precinct, some distinguishing character or style to be added.]

### SCHEDULE (D.)

List of persons who have performed or commuted their Statute Labour for the year 186            under *A. B.* Overseer for            County (or who have paid their City tax to *A. B.* Collector.) Schedule (D.)

Person's Names	Place of Residence	Age	Commutation Money
Examples, viz :			
Andrew Angel,	Township No. 21	27	—
Matthew Snooks,	“ “	50	—
Samuel Brag, jun.	“ “	19	—
Walter Willowby,	“ “	57	Paid.
James Milway Boxer	Township No. 22	48	Paid.
Mark Rattlespoke, (senior.)	“ “	20	—
Cicero Singleton, (Schoolmaster) exempt—and so on, as the case may be.)			

*A. B.*, Overseer.

N. B.—The List to be written on one side only of the sheet and to be on paper as near as may be of not less than thirteen inches deep nor less than eight inches wide.





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