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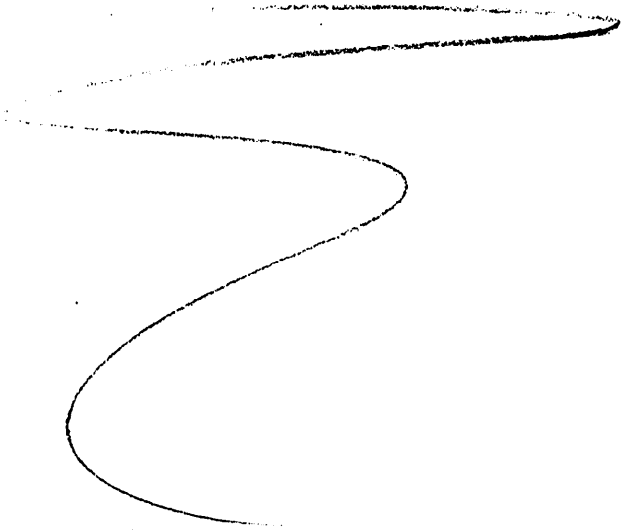
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*Supplement*



Province of Nova Scotia

Clonly



By His Excellency

Sir Richard Graves MacDonnell C.B.  
Lieutenant Governor  
and Commander in Chief in and  
for Her Majesty's Province of Nova-  
Scotia and its Dependencies &c &c.

It is hereby certified that the annexed  
pages nine to two hundred and two inclusive  
contain copies of the Acts of the Legislature  
of Nova Scotia Chapter one to one hundred and  
ten inclusive passed in the last Session of  
printed by the Queen's Printer at Halifax in  
the said Province.

Given under my hand and the seal  
of the Province this sixth day of  
July in the twenty ninth year of  
Her Majesty's Reign. 1865.

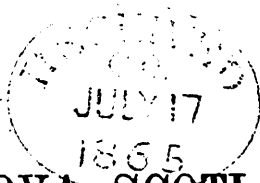
By His Excellency's Command

Jas A. Thorne  
Deputy Secretary

Richard Graves MacDonnell  
Lieut. Governor



6872/65



THE  
**STATUTES OF NOVA SCOTIA,**

PASSED IN THE  
**TWENTY-EIGHTH YEAR OF THE REIGN**

OF HER MAJESTY  
**QUEEN VICTORIA:**

BEING THE  
SECOND SESSION OF THE TWENTY-THIRD GENERAL  
ASSEMBLY CONVENED IN THE SAID  
PROVINCE.



HALIFAX, N. S.:  
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1865.

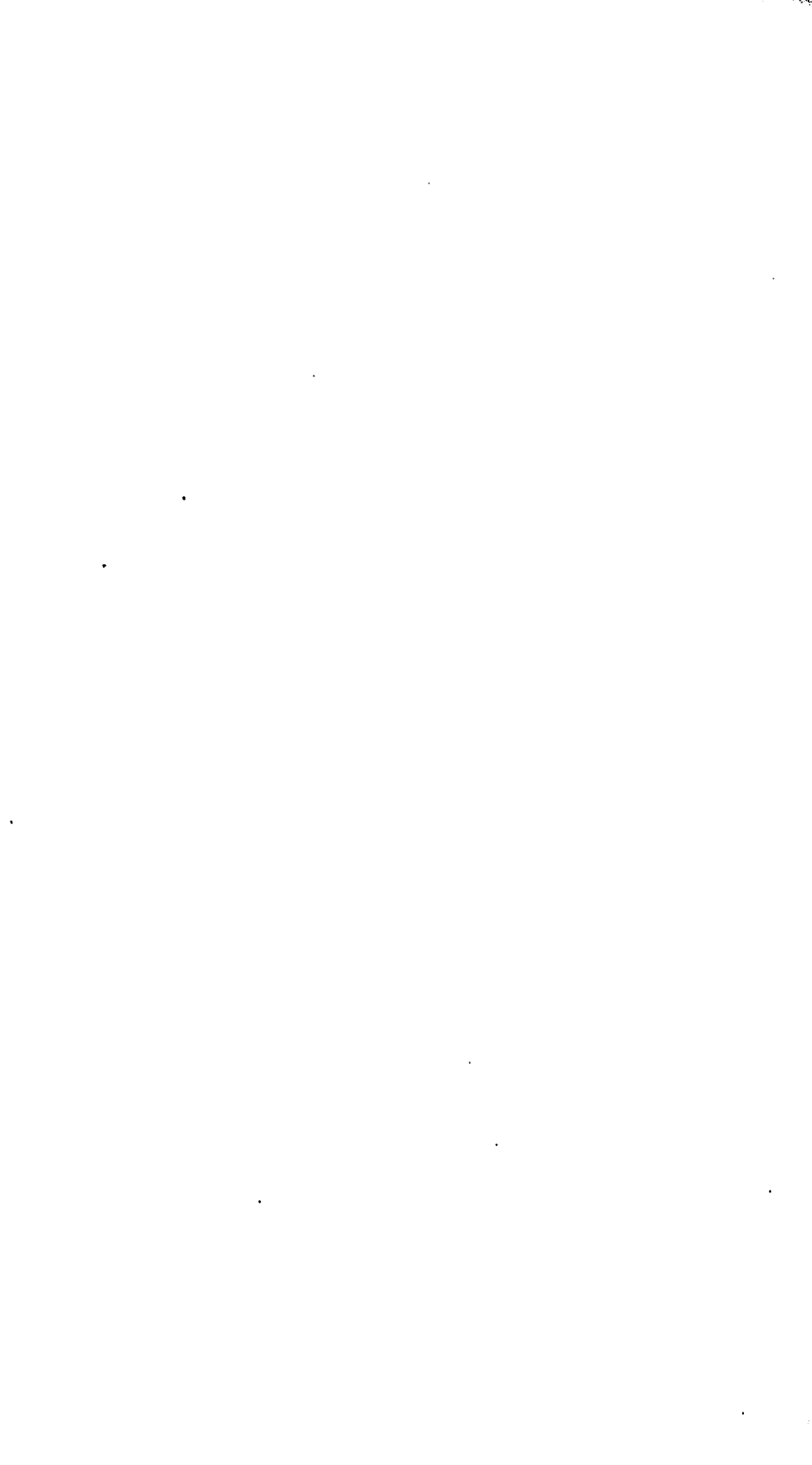


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OF  
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28° VICTORIÆ.

1865.

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At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax on Thursday the 9th day of February, 1865, in the twenty-eighth year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, &c., &c., &c., being the second session of the twenty-third General Assembly convened in the said Province.\*

\* In the time of His Excellency Sir Richard Graves MacDonnell, Knight, Companion of the Most Honorable Order of the Bath. Lieutenant-Governor, &c., &c., &c.; Edward Kenny, President of the Legislative Council; John C. Wade, Speaker of the Assembly; Charles Tupper, Provincial Secretary; and H. C. D. Twining, Clerk of Assembly.

## CHAPTER 1.

An act to amend certain Chapters of the Revised Statutes, Third Series, and to revive certain Acts.

(Passed the 2nd day of May, A. D. 1865.)

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Chapters 32, Acts 1859, and 18 Acts 1860, revived.</li> <li>2. Chap. 35, Acts 1861, revived.</li> <li>3. Chapter 40 Revised Statutes (second series), repealed.</li> <li>4. Chapter 62 "Of Highway Labor," amended.</li> <li>5. Section 18, Chap. 63, Revised Statutes (second series), repealed.</li> <li>6. Chapter 128 "Of Jurisdiction of Justices of Peace," amended.</li> <li>7. Chapter 134 "Of Pleadings and Practice," amended.</li> <li>8. Chapter 136 "Of Juries," amended.</li> <li>9. Chapter 118 R. Stat., (second series), "Registry of Deeds," amended.</li> </ol> | <ol style="list-style-type: none"> <li>10. Chapter 126 "Court of Marriage and Divorce," amended.</li> <li>11. Chapter 127 "Of Probate Court," amended.</li> <li>12. Chapter 130 "Of Barristers and Attornies," amended.</li> <li>13. Chapter 75 "Of Shipping and Seamen," amended.</li> <li>14. Chap. 146 "Of Arbitration," amended.</li> <li>15. Chapter 147 "Of Petty Trespasses and Assaults," amended.</li> <li>16. Chapter 155 "Of Costs and Fees," amended.</li> <li>17. Chapter 135 "Of Witnesses, etc.," amended.</li> </ol> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Chapter 32 of the acts of 1859, entitled, "An Act concerning Sheriffs," and chapter 18 of the acts of 1860, entitled, "An Act in addition to the Act concerning Sheriffs," are hereby revived. Cap. 32, Acts 1859, and 18, Acts 1860, revived.
2. Chapter 35 of the acts of 1861, entitled, "An Act to prevent the destruction of the smaller kind of birds," is hereby revived. Cap. 35, Acts 1861, revived.
3. Chapter 40 of the Revised Statutes, Second Series, "Of Sheriffs," is hereby repealed. Cap. 40, Rev. Stats. 2d series, repealed.

Cap. 62, "Of Highway Labor," amended.

4. Chapter 62, "Of Highway Labor," is amended as follows:—In section 3 the basis for the scale for additional labor shall be one hundred dollars, instead of two hundred dollars as therein expressed.

Sec. 18, Cap. 63, Rev. Stats. 2d series, repealed.

5. Chapter 63 of the Revised Statutes, second series, "Of Highway Labor," is amended by the eighteenth section being hereby repealed.

Cap. 128, "Of Jurisdiction of Justices of Peace," amended.

6. Chapter 128 "Of the Jurisdiction of Justices of the Peace in Civil Causes," is hereby amended. The last clause of section 4, containing the words "and in case of the defendant not appearing the plaintiff shall be entitled to a judgment by default for the amount of his particulars," is repealed.

To the form of affidavit to obtain a *capias* in the schedule of forms to such chapter, the following words shall be added, "and further, that deponent verily believes that unless a writ of *capias* be granted the debt will be lost, and also that he verily believes that the said (C. D.) is about to leave the country."

In section 16 of said chapter so much of the form of the constable's oath as refers to keeping the jury together "without meat or drink," is hereby repealed.

In section 20 the words "one of the justices issuing a writ" shall be substituted for the words "a justice."

In section 21 the words "eighty dollars" shall be substituted for the words "forty dollars."

The notice prescribed in the schedule to this act shall be endorsed on all summonses and *capias* issued by justices of the peace in civil cases, requiring the defendant to file with the magistrate issuing any such summons his set-off to the plaintiff's claim, a copy of which notice shall be served on the defendant with a copy of such summons.

Notice to be endorsed on the summons :

"Take notice that unless forty-eight hours before the return day of this summons you file the particulars of your set-off to the plaintiff's claim with the magistrate issuing the writ, you will not be permitted to give evidence of any such set-off."

Cap. 134, "Of Pleadings and Practice," amended.

7. Chapter 134 "Of Pleadings and Practice in the Supreme Court," is amended as follows :

Section 86 of such chapter is hereby repealed. The following section is added : "Attorneys and Proctors bills of costs may be sued for and recovered as any other debt, and either party may have such bill taxed at any time before or at the trial. Any bill duly taxed before trial shall be *prima facie* evidence that the amount allowed is payable ; but in cases where the taxation is contested the same shall be final.

The Supreme Court shall have jurisdiction as well within the city of Halifax as elsewhere, in all cases relating to absent or absconding debtors where the cause of action shall amount to twenty dollars and upwards.

8. Chapter 136 "Of Juries" is amended as follows:—In drawing petit juries under section 28 the Prothonotary shall be associated with two justices of the peace, in the same manner as is required by section 25 of said chapter.

Cap. 136, "Of Juries," amended.

The general sessions for the county of Halifax shall, in addition to the committee of justices to prepare lists of grand and petit jurors, appoint a committee to prepare and revise a list of not less than two hundred special jurors, well qualified to act as special jurors in the Supreme Court at Halifax, and the names of such jurors shall be placed in a separate box in the usual manner, and all special juries ordered by the Court shall be drawn therefrom.

9. Chapter 113 of the Revised Statutes, second series, "Of the Registry of Deeds and Incumbrances affecting Lands," is amended as follows: Section 15 is amended by adding at the end of the section, "The Registrar shall certify under his hand on every deed, docket, writ, or other document recorded by him, the date of registry as well as the letter or number of the book, and the numbers of the pages containing the registry."

Cap. 113, Rev. Stat. 2d series, "Registry of Deeds," amended.

10. Chapter 126 "Of the Court of Marriage and Divorce" is amended as follows:

Cap. 126, "Court of Marriage and Divorce," amended.

Section one is repealed and the following section is substituted, viz.:

"The Governor shall be President of the Court, and the Judge in Equity, for the time being, shall be Vice President thereof."

At the end of the act add the following clause:

"The Court shall have power to make rules to govern its proceedings and practice; but such rules shall not go into operation until they shall have been published in the Royal Gazette."

11. Chapter 127 of the Revised Statutes "Of the Probate Court," is amended as follows, viz.:

Cap. 127, "Of Probate Court," amended.

Sections 77, 79, and 80, are amended thus: "In cases where the Judge in Equity is not incapacitated or incapable of acting from interest, or from having been professionally concerned, or from illness or absence, the appeal authorized to be made to the Supreme Court at Halifax, shall be made in the manner directed by chapter 130 of the Revised Statutes, second series, and any act in amendment thereof as regards appeals, the appeal to the whole Court being dependent on security for costs being given, as directed by the said section of the chapter hereby amended. In cases where the Judge in Equity is incapacitated, as aforesaid, sections 77, 79 and 80, shall remain in operation.

12. Chapter 130 of the Revised Statutes, "Of Barristers and Attorneys," is amended as follows, viz.:

Cap. 130, "Of Barristers and Attorneys," amended.

The following shall be added to section 15—"But it shall not be necessary for any such Notary and Barrister to attach his notarial seal of office to any such acknowledgment or attes-

tation; and no certificate given or to be given shall be void for want of such notarial seal.

Cap. 75, "Of Shipping and Seamen," amended.

12. Chapter 75 of the Revised Statutes "Of Shipping and Seamen," is amended by adding the following section:

"Process under this act shall be directed to the Sheriff or his Deputy, or where the Sheriff is interested, to the Coroner."

Cap. 146, "Of Arbitration," amended.

14. Chapter 146, "Of Arbitration," is hereby amended as follows:

In case the parties, or either of them, shall not, within the time specified in the order, appoint arbitrators, as required by section 6 of the said chapter, it shall be lawful for the Court or a Judge to appoint one or more arbitrators, to whom the said cause shall be referred.

Cap. 147, "Of Petty Trespasses and Assaults," amended.

15. Chapter 147 of the Revised Statutes "Of Petty Offences, Trespasses, and Assaults," is hereby amended by the following section being added:

"If any person shall interrupt, molest, or hinder any principal or deputy Surveyor, or other person authorized by the Governor, the Commissioner of Crown Lands or a Judge of the Supreme Court, while in the discharge of his duties as a Surveyor, such person shall be guilty of a misdemeanor, and may be fined or imprisoned by any two Justices of the Peace, in their discretion; the imprisonment not to exceed thirty days, and the fine not to exceed twenty dollars."

Cap. 155, "Of Costs and Fees," amended.

16. Chapter 155 of the Revised Statutes "Of Costs and Fees," is hereby amended. The following fees shall be added to the schedule.

*Registrar of Deeds' Fees.*

For every certificate of title and encumbrances furnished in foreclosure or other suits at law, or in equity, under any general rule of Court or order in a cause. . . . . \$2 50

*Attorneys' Fees.*

For attending Registrar of Deeds for certificate of title, and any general rule of Court or order in a cause in equity or at law . . . . .	2 50
For attending the examination of every witness before the Judge or an Examiner in Equity suits, to be afterwards used in evidence . . . . .	2 50
When witnesses shall be examined by consent, by affidavits drawn by the Solicitors for such deposition, per folio . . . . .	0 10
And for procuring attendance of each witness, taking his statement, and procuring him to be sworn . . . . .	1 00
For every order for examination of witness before Examiner . . . . .	0 75
For copy for service . . . . .	0 50
For attending to procure the same . . . . .	1 50
For service of the same . . . . .	0 75



For preparing issues of fact to be submitted to the Judge in Equity, and all necessary attendance and services connected therewith.....	\$2 50
For engrossing such issues, per folio.....	0 10
For copying the same... ..	0 10

*Examiners' Fees.*

To be the same as Commissioners fees.

17. Chapter 135 of the Revised Statutes "Of Witnesses and Evidence and the Proof of Written Documents," is hereby amended by adding the following section :

Cap 135, "Of Witnesses," &c. amended.

"Copies of any document, writing, or proceeding, returned to or filed in the Provincial Secretary's office, and copies extracted from the Minutes book, and Entries of the Executive Council, duly certified by the Provincial Secretary, Deputy Secretary, or Clerk of Council, shall be receivable in evidence to the same extent as the originals."

*Chapters revived by the foregoing Act.*

CHAP. 32, ACTS 1859.

*An Act concerning Sheriffs.*—[Passed the 15th of April, 1859.]

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Chief Justice and a judge of the Supreme Court selected by him, or in the absence of the Chief Justice any two judges selected by the senior judge present, together in either case with two members of the Executive Council, shall meet in Halifax during Michaelmas term in each year, and select three persons for each county, each of whom shall be believed to be qualified to fill the office of sheriff, and not unlikely to act if appointed ; in case of disagreement a majority shall decide the nomination, and if a majority cannot be obtained the Chief Justice and judges, or a majority of those present, shall make the nomination ; out of the three persons so nominated the Governor in Council shall prick one to serve for the ensuing year, who shall reside in his county, and who, upon giving security by bond as hereinafter mentioned, shall receive his commission and be invested with the powers of office.

Sheriffs—how appointed.

2. Within fifteen days after notice of appointment, the sheriffs elect shall transmit to the Provincial Secretary's office a bond for the discharge of the duties of office, to be made to her Majesty, himself in one thousand pounds, with two sufficient sureties, each in five hundred pounds, authenticated by the oath of a subscribing witness, which shall forthwith be laid before the Governor in Council, who shall, within twenty days, approve or disallow the same. In case of disallowance of the bond, the sheriff elect shall be notified thereof, and if within a reasonable time in the discretion of the Governor in Council, he shall not transmit to the Provincial Secretary's office a

Bonds—how given.

Proceedings in case sheriff does not send approved bond, or refuses to act.

bond which shall be approved by the Governor in Council, or in case the sheriff first elect shall decline to act, or shall not transmit a bond as aforesaid, the Governor in Council shall prick another name from the list, and the person so selected shall be the sheriff elect, and shall be notified and give security to the satisfaction of the Governor in Council in the same manner as in the case of the first selection, and in case of failure on his part, the person whose name remains on the list shall be the sheriff elect, and shall in like manner be notified and give security to the satisfaction of the Governor in Council. If no one of the three persons in the list shall accept office and give security, the Governor in Council shall appoint a sheriff who shall give satisfactory security in manner aforesaid.

When bonds approved of sheriff to be commissioned and old sheriff discharged.

3. So soon as the bond of a sheriff elect shall have been approved, it shall be deposited in the Provincial Secretary's office, and be then registered, and in case the original shall be lost or mislaid, a certified copy shall be receivable in evidence; immediately after the approval of his bond, the sheriff shall be commissioned, and then, but not before, the preceding sheriff shall be discharged from his office and its responsibilities, and his sureties from their liability.

Sureties—their liability may be relieved—proceedings if sheriff fail to substitute others.

4. The sheriff's sureties shall be liable under their bond until he shall be legally discharged from office, although the period may be longer than one year, but they may at any time pray the Governor in Council to relieve them, and if, upon being required, the sheriff shall fail to substitute other and approved security within one month, the Governor in Council shall remove him from office, and appoint a sheriff in his stead for the remainder of the term of office on his depositing satisfactory security as aforesaid.

Sheriff may be reappointed.

5. The name of the sheriff in office may be retained on the list for selection by the Governor in Council, and he may be appointed anew to the office upon his giving bond in the same manner as in other cases, unless a representation by a majority of the justices in session against him be filed in the Prothonotary's office at Halifax, before Michaelmas term, or be transmitted to the Governor, in which case his name shall not be placed on the list, nor shall he be appointed or continued in office after Michaelmas term.

Proviso.

6. In case of the death of the sheriff, his permanent absence from his county, or his incapacity to perform the duties of his office, the Governor in Council shall commission a sheriff for the remainder of the term, to be selected from the list so appointed as hereinbefore provided, on his filing approved security as aforesaid, which shall supersede and determine the previous appointment.

In case of death, absence, &c.

7. Any person selected and nominated to the office of sheriff, who shall refuse to accept the office, or shall fail to give satisfactory security, shall forfeit fifty pounds, unless reasons for so refusing or failing shall be given to the satisfaction of the Governor in Council.

Penalty for refusing office, &c without satisfactory reasons.

8. Before entering upon his duty, every sheriff shall subscribe the following oath :

Form of oath to be taken before entering upon duty.

“ I, A B, do solemnly swear that I will truly serve the Queen in the office of sheriff for the county of \_\_\_\_\_, and promote Her Majesty’s profit in all things which belong to my office as far as I legally can. I will truly, to the best of my skill and judgment, execute the laws and statutes of the province, and will in all things act uprightly in my office for the honor of the Queen, and the good of her subjects.”

9. If any sheriff delay more than two months after his year of office expire, to render an account on oath to the Provincial Secretary of all forfeitures and debts of the Crown, levied by him with the name of parties paying, he shall forfeit twenty pounds to the use of the Crown.

Penalty for not rendering account of forfeitures, &c.

10. 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 recovered against the sheriff.

May be sued on bond.

Costs.  
Proviso.

11. In an action brought against a sheriff, jailor, or other officer for an escape under an execution in a civil suit, the jury shall not be bound to find for the whole amount for which the prisoner was committed, but they shall find a verdict for the plaintiff for such sum only as they shall think right and proper under all the circumstances of the case, unless it shall appear on the trial that the escape was connived at, or the officer guilty of gross negligence, and in no case shall they find for more than the amount for which the prisoner was committed.

In action for escape jury not bound to find for whole amount of debt.

12. Sheriffs shall return all writs to them directed with the amount of their fees thereon endorsed, and the several items thereof specifically set forth, otherwise the same shall not be taxed or recoverable. Sheriffs shall indorse upon every writ returned by them an account of their doings thereon, and when and how executed, and the amount collected on all writs of execution.

Writs, how returned.

13. All actions against sheriffs must be brought within three years from the accruing thereof.

Limitation of actions.

14. Chapter 20 of the Revised Statutes, “Of Sheriffs,” is repealed.

Cap. 20 rev. stat. repealed.

#### CHAP. 18, ACTS 1860.

*An Act in addition to the Acts concerning Sheriffs.*—[Passed the 12th of May, 1860.]

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the 1st day of June next, no sheriff or deputy sheriff shall hold a commission as Justice of the Peace ;

No Sheriff or Deputy to be

Justice of the Peace.

Penalty—how recovered.

and all such commissions held by sheriffs or deputy sheriffs shall after that date become null and void.

2. Any sheriff or deputy sheriff acting as a Justice of the Peace in violation of this act shall for each offence forfeit the sum of twenty pounds, to be recovered by any one who will sue for the same as a private debt.

#### CHAP. 35, ACTS 1861.

### *An Act to prevent the destruction of the smaller kinds of Birds.* [Passed the 15th April, 1861.]

Preamble.

Whereas the killing of small birds, which are of little value for food, and are effectual helpers of the farmer and gardener, by destroying injurious insects, is a wanton and prejudicial extinction of life among a most beautiful and useful class of the Creator's works.

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

Killing, &c., unlawful

1. The killing of robins, swallows, sparrows, and other small birds, and birds of song, which frequent the fields and gardens, and the selling and offering for sale, and the having in possession of such birds, when killed, shall hereafter be unlawful.

Penalty.

2. Every person offending against this act, by the killing of any such birds, or the selling, or offering for sale, or having in possession, of the dead bodies of any such birds, shall, for each offence, forfeit one dollar, in addition to the sum of ten cents, for each of such birds killed, sold, offered for sale, or had in possession, to be recovered by any one who will sue for the same, in the same manner as debts of a similar amount are now recoverable, and to be appropriated to the use of the prosecutor.

Recovery of, &c.

Exceptions.

3. This act shall not apply to birds killed for preservation, as specimens of natural History.

#### CHAPTER 2.

### *An Act to amend Chapter 111 of the Revised Statutes, (third series), "Of Estates Tail."*

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

Estates Tail abolished.

1. All Estates Tail are abolished, and every estate which hitherto would have been adjudged a Fee Tail, shall hereafter be adjudged a Fee Simple, and may be conveyed and devised or descend as such.

## CHAPTER 3.

An Act to amend Chapter 115 of the Revised Statutes, (second series), "Of the Descent of Real and Personal Property."

(Passed the 18th day of April, A. D. 1865.)

- |   |  |
|---|--|
| 1. Personal Property of intestates—how distributed. | 2. Estate of married women, dying intestate—how distributed. |
|---|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The residue of the personal estate of any intestate who shall have died, leaving issue, shall be distributed, one third to the widow, if any, and the remainder among the persons who shall be entitled to the real estate, and if there be no widow then the whole among such persons.

Personal property of intestates—how distributed.

2. If a married woman shall die intestate, without issue surviving, one half of the real and personal estate owned by her, in her own right, or held by her for her separate use, shall go to her husband, and the other half to her father. If she have no father, then to her mother, brothers, and sisters, in equal shares; and the children of any deceased brother or sister, by right of representation, and if there be no issue, father, mother, brother, or sister, or child of brother or sister, the whole shall go to her husband.

Estate of married women dying intestate—how distributed.

## CHAPTER 4.

An Act to alter and amend Chapter 117 of the Revised Statutes, "Of Patents for useful Inventions."

(Passed the 2nd day of May, A. D. 1865.)

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|---|-----------------------|
| 1. Residents of other countries may obtain Patents on certain conditions. | 2. Form of affidavit. |
|---|-----------------------|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Natives and residents of other countries and provinces shall be entitled, in accordance with the provisions of the chapter hereby amended, to obtain patents for useful inventions, notwithstanding that they may not have resided one year within this province, so as such patents shall be for an invention or discovery, founded on the applications of the principles of chemistry or of scientific secrets, to any art or industry relating to the amalgamation, separation, and producing of gold from gold bearing quartz or other substances; provided that the applicants shall be the inventors or discoverers, or the assignees of such inventors or discoverers; such applicants to pay on obtaining such patents, in addition to the fee mentioned in the chapter hereby amended, such further fee, not to exceed

Residents of other countries may obtain patents on certain conditions.

No. 4155

thirty dollars, for obtaining the necessary investigations in relation to such patents and the claim for novelty of such inventions. Provided, also, that no patent shall be granted in respect of any invention or discovery at present known or in practical use in this province.

2. The affidavit to be made by applicants under this act, shall be the same as in the chapter hereby amended, and be taken before the same persons; but assignees of inventors or discoverers shall be required to make affidavit that the assignors of the invention or discovery are, to the best of their belief, the true inventors or discoverers thereof, and that the right to patent such invention or discovery in this province had been legally assigned to them.

Form of affidavit.

## CHAPTER 5.

An Act to amend Chapter 128 of the Revised Statutes, "Of the Jurisdiction of Justices of the Peace in Civil Cases."

(Passed the 2nd day of May, A. D. 1865.)

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|---|---|
| 1. Penalty for harbouring seamen who have deserted. | 3. Penalties—how collected.             |
| 2. Penalty for aiding desertion.                    | 4. Portion of amended chapter repealed. |

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Whosoever shall harbor or conceal any seaman who shall have signed any former articles, knowing him to have deserted from or to belong to any other vessel, registered in this province, on conviction before any two justices where the offence is committed, shall pay such sum as the said justices shall adjudge, not exceeding forty dollars; one moiety to the treasurer of the county where the offence is committed, for the use of the county, and the other moiety to the person prosecuting.

Penalty for harbouring seamen who have deserted.

2. If any person shall aid or entice any seaman to desert from any such vessel, or provide him the means of deserting therefrom, or, with that object, aid him in the removal of his chest, bedding, apparel, or other property, from on board any such vessel, or convey him therefrom without the sanction of the master, the person so offending shall, upon conviction, be liable to the same penalties and forfeitures as contained in the last section.

Penalties for aiding desertion.

3. Any penalty incurred under this act may be collected by any person who shall sue for the same, in the same manner and before the same courts as if expressed by the chapter hereby amended.

Penalties—how collected.

4. So much of the chapter hereby amended as is inconsistent with this act, is hereby repealed.

Portion of amended Cap. repealed.

## CHAPTER 6.

## An Act to amend Chapter 129 of the Revised Statutes, (third series), "Of Stipendiary or Police Magistrates."

(Passed the 2nd day of May, A. D. 1865.)

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|---------------------------------------|--|
| 1. Report of Committee—how confirmed. | 2. Provisions of Acts to apply to Port Mulgrave. |
|---------------------------------------|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The written report of the committee required by sections one and two of such chapter, may be confirmed at a special sessions called for that purpose during the sitting of the Supreme Court in any County, and with the approval of the Grand Jury then assembled, as fully as the same can be done at the general sessions, provided that notice of such intended confirmation be posted by the Clerk of the Peace in three public places within such proposed police division for ten days previously.

Report of Committee—how confirmed.

2. The provisions of the chapter hereby amended, and of this act, may be carried into effect as regards Port Mulgrave, in the county of Guysborough, notwithstanding that the petition on which such proceedings are founded shall not be signed by more than twenty freeholders residing within the limits of the proposed police division.

Provisions of acts to apply to Port Mulgrave.

## CHAPTER 7.

## An Act to amend Chapter 131 of the Revised Statutes "Of Trusts and Trustees."

(Passed the 2d day of May, A. D. 1865.)

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|---|--|
| 1. Definition of terms.                   | 6. Distribution of assets by Executor or Administrator.                                |
| 2. Partial release of Judgment.           | 7. Opinion or advice of Judge in Equity—how obtained. Legal force thereof. Limitation. |
| 3. Assignment of Personal Property.       | 8. Liability of Trustees limited to moneys actually received.                          |
| 4. Payment of purchase or mortgage money. |  |
| 5. Acts done under Power of Attorney.     |  |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The terms "the Supreme Court," "the Court," "two of the Judges thereof," used in the said chapter, mean the Court of the Equity Judge, or the Judge in Equity, or the Court or Judge exercising occasionally the functions of that court, except otherwise expressed or clearly indicated.

Definition of terms.

2. It is declared and enacted that the release from a judgment of part of any lands or hereditaments charged therewith shall not affect the validity of the judgment as to the lands or

Partial release of judgment.

hereditaments remaining unreleased, or as to any other property not specifically released, without prejudice nevertheless to the rights of all persons interested in the lands, hereditaments, or property remaining unreleased, and not concurring in or confirming the release.

Assignment of personal property.

3. Any person shall have power to assign personal property now by law assignable, including chattels real, directly to himself and another person or persons or corporation, by the like means as he might assign the same to another.

Payments of purchase or mortgage money.

4. The bona fide payment to, and the receipt by, any person to whom any purchase or mortgage-money shall be payable, upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the trust or security.

Acts done under power of attorney.

5. No trustee, executor, or administrator, making any payment, or doing any act bona fide under or in pursuance of any power of attorney, shall be liable for the monies so paid, or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power. Provided, that the fact of the death, or of the doing of such act as last aforesaid at the time of such payment or act bona fide done as aforesaid by such trustee, executor, or administrator, was not known to him; provided always, that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made, but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor, or administrator, if the money had not been paid away under such power of attorney.

Distribution of assets by executor or administrator.

6. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged, would have been sufficient in the Court of Probate for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be; but nothing in the present act contained shall prejudice the right of any creditor or claim-



ant to follow the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

7. Any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to the judge in equity, for the opinion, advice, or direction of such judge on any question respecting the management or administration of the trust-property, or the assets of any testator or intestate, such application to be served upon, or the hearing thereof to be attended by, all persons interested in such application, or such of them as the said judge shall think expedient. And it shall be in the power of the said judge to direct any question arising on any such application to be argued before him, and to appoint counsel for that purpose where the parties fail, and he shall think it necessary to do so. And he is also empowered to refer questions arising on such applications to the consideration and judgment of himself, with two judges of the Supreme Court associated with him, or the bench of the supreme court, and to direct the argument to be had before the said associated or full court. The trustee, executor, or administrator acting upon the opinion, advice, or direction given by the said judge in equity or associated court or supreme court, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor, or administrator, in the subject matter of the said application: provided, nevertheless, that this act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice, or direction, as aforesaid, if such trustee, executor, or administrator shall have been guilty of any fraud, or wilful concealment, or misrepresentation, in obtaining such opinion, advice, or direction; and the costs of such application, arguments, and counsel, as aforesaid, and the party or funds by or out of which they shall be paid, shall be in the discretion of the judge in equity or associated court or supreme court.

8. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say: "That the trustees or trustee for the time being, of the said deed, will, or other instrument shall be respectively chargeable only for such moneys, stocks, funds, and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other; nor for any bank, banker, broker, or other person with whom any trust moneys or securities may be deposited; nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own

Opinion or advice of judge in equity—how obtained;

Legal force thereof;

Limitation.

Liability of trustees limited to moneys actually received.

wilful default respectively; and also that it may be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument.

## CHAPTER 8.

### An Act to amend Chapter 136 of the Revised Statutes "Of Jurics."

(Passed the 2nd day of May, A. D. 1865.)

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Counties to be divided into eight sections. Jury Lists.</li> <li>2. Grand Jurors—how drawn.¶</li> </ol> | <ol style="list-style-type: none"> <li>3. Term of office.</li> <li>4. Names—how drawn after first panel.</li> <li>5. Portion of the amended act repealed.</li> </ol> |
|---|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the passing of this act the courts of general sessions in each county and district in this province where any such court shall sit at any time not less than one month after the passing of this act, shall, at their first meeting, and where such court sits before the expiration of that time, at their first meeting thereafter, divide such county or district into eight sections, such sections to contain, as nearly as possible, an equal amount of population; and the committee appointed by such sessions shall return separate lists of the persons qualified to serve as grand jurors, and the Prothonotary shall place the names of the grand jurors in the grand jury box in eight compartments, each compartment to contain the names of the jurors for one of such sections.

2. Three grand jurors shall be drawn from each of such compartments in the usual manner.

3. Eight of the grand jurors so drawn shall always continue in office for two years, and shall consist of those whose names shall be first drawn from the grand jury box in each year.

4. After the drawing of the first panel of grand jurors under this act, sixteen names only, being two for each section, shall annually be drawn in subsequent years in the same manner as prescribed in the first section, who, with the eight so remaining in office, shall constitute the grand jury for the current year.

5. After the division of the respective counties and districts into sections, as hereinbefore mentioned, so much of the chapter hereby amended as is inconsistent with this act is repealed.

Counties to be divided into eight sections.

Jury lists.

Grand Jurors—how drawn.

Term of office.

Names—how drawn after first panel.

Portion of amended act repealed.

## CHAPTER 9.

An act to amend Chapter 141 of the Revised Statutes, (third series), "Of suits against absent or absconding Debtors."

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The third section of the said chapter is hereby amended by striking out the words, "and summons to bring in agent."

Third sec. of Cap 141, amended.

## CHAPTER 10.

An Act to amend the laws affecting "Trade and Commerce."

(Passed the 2nd day of May, A. D. 1865.)

## Preamble.

1. Bona fide owner not affected by execution or attachment of which he has no notice
2. Finding of Jury in action for breach of contract to deliver goods and replevin Execution may issue for delivery of goods Levy.
3. Sureties to or by firms not answerable on change in partnership.

4. When sureties pays debt, creditor must assign all securities held by him in respect thereof. Process, on such securities.
5. Acceptance of Bill of Exchange must be in writing.
6. Limitation of actions
7. In case of absence from Province
8. In the case of Joint Debtors.
9. Promises signed by Agent.
10. Section 7, Chapter 154, repealed
11. Act how cited.

Whereas, It is advisable to assimilate the law of this province with that of England, under the Mercantile Law Amendment of 1856.

Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. No writ of execution, and no writ of attachment against the goods of an absent or absconding debtor, shall prejudice the title to such goods acquired by any person *bona fide* and for a valuable consideration, before the actual seizure or attachment thereof by virtue of such writ,—provided such person had not at the time when he acquired such title, notice that such writ or any other writ, by virtue of which the goods of such owner might be seized or attached, had been delivered to and remained unexecuted in the hands of the sheriff, under sheriff, or coroner.

Bona fide owner not affected by execution or attachment of which he has no notice.

2. In all actions and suits in the Supreme Court for breach of contract to deliver specific goods for a price in money, or in actions of replevin on the application of the plaintiff, and by leave of the judge before whom the cause is tried, the jury shall, if they find the plaintiff entitled to recover, find by their verdict what are the goods, in respect of the non-delivery of which the plaintiff is entitled to recover, and which remain un-

Finding of jury in actions for breach of contract, to deliver goods and replevin.

delivered; what (if any) is the sum the plaintiff would have been liable to pay for the delivery thereof; what damages (if any) the plaintiff would have sustained if the goods should be delivered under execution as hereinafter mentioned, and what damages if not so delivered. And, thereupon, if judgment shall be given for the plaintiff, the court or any judge thereof, at their or his discretion, on the application of the plaintiff, shall have power to order execution to issue for the delivery, on payment of such sum (if any) as shall have been found to be payable by the plaintiff, as aforesaid, of the said goods, without giving the defendant the option of retaining the same upon paying the damages assessed, and such writ of execution may be for the delivery of such goods; and if such goods so ordered to be delivered, or any part thereof, cannot be found, and unless the court or a judge shall otherwise order, the sheriff or coroner shall distrain the defendant by all his lands and chattels, in the said sheriff's bailiwick, till the defendant deliver such goods, or, at the option of the plaintiff, cause to be made of the defendant's goods the assessed value or damages, or a due proportion thereof,—provided that the plaintiff shall, either by the same or a separate writ of execution, be entitled to have made of the defendant's goods the damages, costs, and interest in such action or suit.

Execution may issue for delivery of goods.

Lovv.

Sureties to or by firms not answerable on change in partnership.

3. No promise to answer for the debt, default, or miscarriage of another, made to a firm consisting of two or more persons, or to a single person trading under the name of a firm, and no promise to answer for the debt, default, or miscarriage of a firm, consisting of two or more persons, or of a single person trading under the name of a firm, shall be binding on the person making such promise in respect of anything done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the firm, or in the person trading under the name of a firm, unless the intention of the parties that such promise shall continue to be binding notwithstanding such change shall appear either by express stipulation, or by necessary implication from the nature of the firm or otherwise.

When surety pays debt creditor must assign all securities held by him in respect thereof.

4. Every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him or to a trustee for him, every judgment, specialty, or other security which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty, or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty; and such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and if need be, and upon a proper indemnity, to use the name of the creditor in any action or other proceeding at law or in equity, in order to obtain from the principal debtor, or any co-surety,

Process, on such securities.

or co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who shall have so paid such debt or performed such duty; and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him,—provided always that no co-surety, co-contractor, or co-debtor, shall be entitled to recover from any other co-surety, co-contractor, or co-debtor, by the means aforesaid, more than the just proportion to which, as between those parties themselves, such last mentioned person shall be justly liable.

5. No acceptance of any bill of exchange, whether inland or foreign, made after the thirty-first day of December one thousand eight hundred and sixty-five, shall be sufficient to bind or charge any person unless the same be in writing on such bill, or if there be more than one part of such bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

Acceptance of bill of exchange must be in writing.

6. All actions of account, or for not accounting, and suits for such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, shall be commenced and sued within six years after the cause of such actions or suits; or when such cause has already arisen, then within six years after the passing of this act; and no claim in respect of a matter which arose more than six years before the commencement of such action or suit, shall be enforceable by action or suit by reason only of some other matter of claim comprised in the same account having arisen within six years next before the commencement of such action or suit.

Limitation of actions.

7. No person or persons who shall be entitled to any action or suit with respect to which the period of limitation within which the same shall be brought is fixed by section nine of chapter one hundred and fifty-four of the Revised Statutes, (third series), shall be entitled to any time within which to commence and sue such action or suit beyond the period so fixed for the same, by reason only of such person, or some one or more of such persons, being at the time of such cause of action or suit accrued out of the Province, or in the cases in which by virtue of the aforesaid section imprisonment is now a disability, by reason of such person, or some one or more of such persons being imprisoned at the time of such cause of action or suit accrued.

In case of absence from Province.

8. Where such cause of action or suit, with respect to which the period of limitation is fixed by the aforesaid chapter one hundred and fifty-four, lies against two or more joint debtors, the person or persons who shall be entitled to the same shall not be entitled to any time within which to commence and sue any such action or suit against any one or more of such joint debtors who shall not be out of the Province at the time such cause of action or suit accrued, by reason only that some other one or more of such joint debtors was or

In the case of joint debtors.

were at the time such cause of action accrued, out of the Province; and such person or persons so entitled, as aforesaid, shall not be barred from commencing and suing any action or suit against the joint debtor or joint debtors who was or were out of the Province at the time the cause of action or suit accrued, after his or their return into the Province, by reason only that judgment was already recovered against any one or more of such joint debtors who was not or were out of the Province at the time aforesaid.

Promises signed  
by agent.

9. In reference to the provisions of sections two and six of chapter one hundred and fifty-four of the Revised Statutes, (third series), an acknowledgment or promise made or contained by, or in writing signed by, an agent of the party chargeable thereby duly authorized to make such acknowledgment or promise, shall have the same effect as if such writing had been signed by such party himself.

Sec. 7, cap. 154,  
repealed.

10. Section seven of chapter one hundred and fifty-four of the Revised Statutes, (third series), is hereby repealed.

Act—how cited.

11. In citing this act it shall be sufficient to use the expression, "The Mercantile Law Amendment Act of 1865."

## CHAPTER 11.

### An Act to amend Chapter 19 of the Revised Statutes, "Of Licenses for the sale of Intoxicating Liquors."

(Passed the 2nd day of May, A. D. 1865.)

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|---|--|
| 1. Chief Railway Commissioner may seize and destroy Liquor within half a mile of Railway. | 4. Who may prosecute.                          |
| 2. Penalties.   | 5. Licenses in Gold Districts.                 |
| 3. Proceedings on non-payment of penalty.   | 6. Inconsistent parts of amended act repealed. |

Be it enacted by the Governor, Council, and Assembly, as follows :

Chief Railway  
Commissioner  
may seize and  
destroy liquor  
within half  
mile of railway.

1. The Chief Commissioner of Railways, or any person authorized by him, may seize and destroy all intoxicating liquors found exposed or intended for sale within half a mile of the proposed line of railway from Truro to the waters of Pictou harbor, and for that purpose, if necessary, upon reasonable grounds of suspicion, forcibly may enter into any house or building within such limits, and seize, take away, or destroy all such intoxicating liquors, excepting in the villages of New Glasgow, Truro, and the Albion Mines.

Penalties.

2. The penalties mentioned in the chapter hereby amended shall hereafter be in the discretion of the justices convicting; provided the same shall in no case be less than ten or more than fifty dollars.

Proceedings on  
non-payment of  
penalty.

3. In the event of the offender not paying the penalty that may be imposed for a violation of this act, together with the

just costs incurred, or in case sufficient goods or chattels may not be found to satisfy such fine and costs, the convicting justice may issue a warrant to commit the person convicted to the jail of the city, county, or town in which the offence was committed, until the fine and costs shall be paid; but in no case for a longer period than three calendar months.

4. The clerks of licenses, constables, and police officers in cities, towns, townships, counties, and villages, shall have power to inform upon and prosecute all persons guilty of an infraction of this law; and for that purpose he or they shall be authorized, at all proper and seasonable hours, on receiving authority in writing from a justice between sunrise and sunset, to enter into the house and premises of all persons suspected, provided that in such house, or upon such premises, a shop, bar-room, or store is kept for the sale or barter of groceries or liquors.

Who may prosecute.

5. On the recommendation of the grand jury of any county, the court of sessions may grant one tavern license within the boundaries of any proclaimed gold district.

Licenses in gold districts.

6. So much of section 2 of the chapter hereby amended as is inconsistent with this act, is repealed.

Inconsistent parts of amended act repealed.

## CHAPTER 12.

### An Act to amend Chapter 70 of the Revised Statutes "Of Provincial Government Railroads."

(Passed the 31st day of March, A. D. 1865.)

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|---|-------------------------------|
| 1. Railway Commissioner may take possession of lands on north side of Pictou harbor for Railway purposes. | 2. Forest lands—how laid off. |
|---|-------------------------------|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Railway Commissioner may take, possess, and hold any land or land covered with water, wharves, buildings, or other property which may be required on the north side of Pictou harbor for purposes of railway connection between the town of Pictou and Fisher's Grant, and any property so taken shall be appraised, assessed, and paid for as under chapter 70 of the Revised Statutes.

Railway Commissioner may take possession of lands on north side of Pictou harbor for railway purposes.

2. Where the line of railway runs through forest lands or lands covered with wood, the lands authorized to be taken under section 11 of said act, may be laid off to the width of ten rods, inclusive of slopes of excavations and embankments, and such additional land shall be laid off and paid for under the provisions of such section.

Forest lands—how laid off.

## CHAPTER 13.

## An Act to provide for the construction of two other Sections of the Provincial Railways.

(Passed the 2nd day of May, A. D. 1865.)

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Chief Commissioner may contract for construction of Railway from Truro to border of New Brunswick, and Windsor to Annapolis.</li> <li>2. Amount of subvention on first mentioned line.</li> <li>3. Government to take stock to amount of \$400,000. Amount of subvention line, Windsor to Annapolis.</li> <li>4. First annual payment of subvention—when made.</li> <li>5. Governor in Council may capitalize subvention.</li> <li>6. May construct bridge across Avon.</li> <li>7. Province may assume ownership of sections.</li> <li>8. Arbitrators shall decide amount to be paid.</li> <li>9. Proceedings when contractors fail to perform contract.</li> <li>10. Governor in Council may contract Provincial loan.</li> </ol> | <ol style="list-style-type: none"> <li>11. Debentures.</li> <li>12. Form of debentures and coupons.</li> <li>13. Application of Chapter 70 Revised Statutes to this act—how to be construed.</li> <li>14. Chief Engineer shall report on route, and condition of works.</li> <li>15. Contractors to have powers of Board of Railway Commissioners.</li> <li>16. Land damages chargeable on counties.</li> <li>17. Governor in Council may appoint Company Directors.</li> <li>18. Tolls and rates for passengers, freight, &amp;c.</li> <li>19. Railway from Truro to New Brunswick to be equal to present Provincial Railways.</li> <li>20. Contracts for line from Truro to New Brunswick dependent upon simultaneous arrangements by that Province.</li> </ol> |
|---|---|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Chief Commissioner of Railways, by direction and authority of the Governor in Council, may contract for and on behalf of the Province, with any responsible party or parties, for the construction of the following sections of the Provincial Railway, that is to say, from Truro to the boundary line to New Brunswick, and from Windsor to Annapolis, and for the payment of the subventions on the terms and under the provisions and stipulations hereinafter set forth and contained. The location of the lines of the said railways to be subject to the approval of the Governor in Council upon the recommendation of the chief engineer of this Province.

2. The contractor or contractors for the section first mentioned to receive a subvention of not more than four per cent. per annum for twenty years, on forty thousand dollars per mile of the whole length of said section, and the provincial government to take on behalf of the Province, stock in the said undertaking with such contractor or contractors, to the extent of four hundred thousand dollars.

3. The contractor or contractors for the section last mentioned to receive a subvention of not more than four per cent. per annum for twenty years on twenty four thousand dollars per mile of the whole length of said section, with the exception of a bridge, viaduct, or other erection, suitable for a railway across the Avon river, at or near Windsor; the latter to be built at the expense of the Province as hereinafter provided.

Railway Commissioner may contract for construction of railway from Truro to border of New Brunswick, and Windsor to Annapolis.

Amount of subvention on first mentioned line.

Government to take stock to amount of \$400,000.

Amount of subvention line, Windsor to Annapolis.



4. The first annual payment of such subventions to fall due and to be made at a period not less than twelve months after the *bona fide* commencement to build such sections, respectively, and a deduction to be made therefrom for the portion of stock held for the Province for the said section first named.

First annual payment of subvention—when made.

5. The Governor in Council may, at any time after such contracts or either of them are entered into, by an order in council, declare that the said subventions, or either of them, shall cease, and at what time, and in lieu of such subventions, or either of them, pay to the contractor or contractors the amount or balance, as the case may be, of such subventions, or either of them, capitalized either in cash or provincial debentures, at the option of the Governor in Council, but the amount to be capitalized shall never exceed fifty per cent. of the whole amount expended by the company from their own funds, at the date of such capitalization, until the whole contract is completed.

Governor in Council may capitalize subvention.

6. The Governor in Council, as soon as a contract has been entered into for building the said section last mentioned, may make provision either by contract or otherwise for the building of a suitable bridge, viaduct, or other erection across the said Avon river, at or near Windsor aforesaid.

May construct bridge across Avon.

7. The Governor in Council may, at any time before or after the said sections, or either of them, are or is completed, by an order in council, assume, on behalf of the Province, the ownership of the said sections, or either of them, by paying to the owners thereof the value of the same—to be ascertained as hereinafter provided, either in cash or provincial debentures, at the option of the Governor in Council.

Province may assume ownership of sections.

8. The amount to be paid under the next preceding section shall be ascertained by the decision of three arbitrators; one of whom to be appointed by the Governor in Council; one by the owner or owners of the section, and one by the principal Secretary of State for the Colonies. But in case of either of the said sections being so taken before completion, regard may be had by the arbitrators to the loss sustained by the contractors by means of such termination of their contracts.

Arbitrators shall decide amount to be paid.

9. In case the contractor or contractors for building the said sections, or either of them, shall fail in the performance of the contract or contracts therefor, as may be arranged therein, the Governor in Council may, by an order in council, declare that the said subventions, or either of them, shall cease and determine; and also by order, assume the possession, ownership, and management of such sections, or either of them; and upon the passing of such order, all interests therein of the owners thereof shall cease and determine, and the ownership thereof shall vest in the Province.

Proceedings where contractors fail to perform contract.

10. The Governor, by and with the advice of the Executive Council, may, for the purposes of this act, contract a loan on

Governor in Council may contract Provincial Loan.

the pledge of the revenues of this province, whether arising from the duties upon imports, the sale of crown lands, the royalty paid upon minerals, or the tolls to be collected on the railways owned by the Province.

Debentures.

11. Certificates of debt, to be called debentures, bearing interest at six per cent. or at a less rate, as the Governor in Council may direct, may be issued from time to time as may be necessary; and the Governor in Council shall determine at what periods of time, in what amounts, and on what conditions such certificates shall be issued.

Form of debentures and coupons.

12. The debentures shall be in the form to be directed by the Governor in Council, with coupons annexed thereto. They shall be signed by the Governor and countersigned by the Receiver General—the interest thereon shall be paid half-yearly, at such places as shall be mentioned therein, and the principal money of such debentures shall be paid in full, at the expiration of twenty years from the date of their respective issues to the then holder.

Application of Chap. 70 Rev. Stats. to this act—how to be construed.

13. The provisions of chapter 70 of the Revised Statutes, third series, "Of Provincial Government Railroads," so far as may be, with the exception of the preamble and sections from one to ten inclusive, and sections from 24 to 35 inclusive, and sections 39, 40, 42, 43, 60, 61, 63, and 76, are here made applicable to the sections of railway to be built under this act. And the term "commissioners," in sections 67, 77, 78, 79, 80 and 83, of said chapter, shall, for the purposes of this act, be held to include and apply to contractors or owners, as the case may be; and sections 74 and 75 of said chapter shall be held to apply to the sections of railway to be made under this act, and the term "railway department," in those sections, shall, for the purposes of this act, include property belonging to the contractors or owners of said sections of railway.

Chief Engineer shall report on route, and condition of works.

14. The chief engineer of railways shall, before the contracts authorized by this act are entered into, report to the government on the route or routes proposed, and during the construction of the said lines of railways, respectively, shall have power at any time and at all times to enter upon the same, and examine the works; and it shall be his duty to report to the government from time to time the state and condition of such works and any failure in the execution, or in carrying out any of the provisions of such contracts, and, generally, to watch over the interests of the Province in reference thereto.

Contractors to have powers of Board of Railway Commissioners.

15. Contractors shall furnish names of claimants for damages instead of board of railway commissioners, as mentioned in section 47 of said chapter, and shall do all other acts in said section, provided to be done by the board of commissioners; and the engineer of contractors to be substituted for the engineer in that section referred to.

Land damages chargeable on counties.

16. The moneys payable for lands for the sections herein-before mentioned, shall form a county charge.

17. The Governor in Council may appoint two or more directors of any company or companies to represent the provincial stock of four hundred thousand dollars, referred to in section two of this act.

Governor in Council may appoint Company Directors.

18. The contracts to be made under this act shall contain stipulations and provisions for the regulation of the tolls and rates for passengers and freights, the carriage of mails, troops, and munitions of war, and other government property, on the said lines, and, generally, for guarding the interests of the province.

Tolls and rates for passengers, freight, &c.

19. The line of railway from Truro to the New Brunswick frontier, to be constructed under this act, shall be equal in point of construction and efficiency, and shall not exceed in grades and curves, the existing government railways in Nova Scotia.

Railway from Truro to New Brunswick to be equal to present Provincial Railways.

20. All contracts to be made under this act, for the section from Truro to the New Brunswick frontier, shall be dependent upon simultaneous arrangements being made by or to the satisfaction of the government of New Brunswick, for the continuation of the said trunk line from the frontier to the Saint John and Shediac line, and shall not go into operation until such arrangements shall be made.

Contracts for line from Truro to New Brunswick dependent upon simultaneous arrangements by that Province.

### CHAPTER 14.

#### An Act in addition to and to amend Chapter 70 of the Revised Statutes, (third series), "Of Railroads."

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

1. Sheriff to collect sums due under assessment.
2. May remove and sell property distrained in Kings, Halifax, or Colchester.

3. Present County Treasurer may maintain action against Collectors.
4. Sheriff to be paid for services.

Whereas, a large part of the Assessments on the County of Hants, under the Railroad Act, heretofore in force, remains uncollected and unpaid, and difficulties have been found in the collection thereof.

Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The sheriff of said county shall forthwith collect, under any warrant now in his hands, or hereafter to be issued, all sums due by parties under the said assessment, and the same pay on receipt to the Receiver General.

Sheriff to collect sums due under assessment.

2. The said sheriff may remove any property distrained by him under any of said warrants into either of the counties of Halifax, King's county or Colchester, and there sell the same, after having first posted up, in at least three public places in the county of Hants, and also in at least three public places

May remove and sell property distrained in Kings, Halifax, or Colchester.

in the county where such sale is to take place, notice of such sale at least five days previously.

Present County Treasurer may maintain action against collectors.

3. The present county treasurer for said county of Hants may maintain an action as for money had and received against any collector who has not paid over the full amount of the assessment rolls placed in his hands for collection, and may recover the whole amount unpaid by such collector without any other proof of his liability than the amount of the said assessment rolls, of which secondary evidence may be given; but the collector shall not be held liable for any sum uncollected except the same shall have been lost through his negligence, carelessness, or default.

Sheriff to be paid for services.

4. The Governor in Council may allow and pay to the said sheriff such further remuneration for his services and those of his assistants, as may be reasonable.

## CHAPTER 15.

An Act to amend the Act to provide for the construction of the St. Peter's Canal.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

1. Governor in Council may appoint Engineer.
2. Engineer—powers of.

3. Board of Works may contract for works.
4. Amount to be drawn from Treasury.
5. Repugnant clauses of amended act repealed.

Preamble.

Whereas, several sums of money have, from time to time, been expended under the said act, but the said Canal has not been completed, and it is necessary for that purpose to adopt other provisions in lieu of some of those in the said act, and to provide further means therefor.

Be it enacted by the Governor, Council, and Assembly, as follows :

Governor in Council may appoint Engineer.

1. The Governor in Council may appoint a competent Engineer to complete the construction of the St. Peter's Canal, under the direction and control of the Board of Works.

Engineer—powers of.

2. Such Engineer, under the direction and control aforesaid, shall have and may exercise all the rights, powers, and privileges, and subject to the same liabilities which, by the said act, were given to the commissioners referred to therein.

Board of Works may contract for works.

3. The Board of Works, with the approval of the Governor in Council, may construct such canal, or any portions of it, by tender and contract, or in such other manner as the Board, subject to the like approval, may consider most advisable.

Amount to be drawn from Treasury.

4. The Governor may draw, by warrant, on the Treasury, in favor of the said Board, as the work proceeds, for sums necessary for such work; but not in the whole to exceed the sum of one hundred and twenty-five thousand dollars.

Repugnant clauses of amended act repealed.

5. So much of the said act, hereby amended, as is repugnant to or inconsistent with this act, is hereby repealed.

## CHAPTER 16.

No. 4167

## An Act in reference to the Militia.

(Passed the 2nd day of May, A. D. 1865.)

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|---|--|
| 1. Commander-in-Chief. Persons to be enrolled.  | 40. Boards of Appeal—how formed.   |
| 2. How divided. First class. Second class.  | 41. Notice to persons fined  |
| 3. Old Commissioned Officers may become unattached  | 42. Oath of members. Form.   |
| 4. Unattached officers liable for duty.   | 43. Proceedings—how conducted. Decision to be final                          |
| 5. Not to apply to second class in peace.   | 44. No pay or allowances.  |
| 6. Disputes regarding age—how settled.  | 45. Board may remit fine.  |
| 7. Enrollment.  | 46. Schedule of fines.   |
| 8. On Commission ceasing, liable to serve in ranks.   | 47. Notice of musters. When warning is suppressed                            |
| 9. County organization.   | 48. Penalty when late for drill.   |
| 10. Districts and divisions—how determined.   | 49. Orders at musters to be notices.   |
| 11. Appointment of Officers.  | 50. Temporary absentees to make up drill.                                    |
| 12. Adjutants.  | 51. Crews of vessels.  |
| 13. Adjutant's pay—how drawn.   | 52. Excuse for non-attendance  |
| 14. Adjutant's duty.  | 53. Meetings of officers.  |
| 15. Acting Adjutants—duties of.   | 54. Officers: penalty for not attending drill, &c                            |
| 16. How appointed.  | 55. Exemptions on account of sickness, &c. Surgeon's fees.                   |
| 17. How promoted and removed. Pay when on duty at out posts.                                | 56. Permanent disability   |
| 18. Acting officers—how appointed.  | 57. Sick certificates—when valid. Penalty for false certificate.             |
| 19. Non-commissioned officers—how appointed.  | 58. Penalty for refusing certificate.  |
| 20. Companies, number of officers.  | 59. Exemptions from muster.  |
| 21. Non-commissioned officers: penalty for refusing to serve.                               | 60. Aliens—how exempted.   |
| 22. Non-commissioned officers—pay of.   | 61. Officers and men in uniform on duty, free by rail.                       |
| 23. Detached companies may be organized.  | 62. Officers and men on duty, free from ferrriage or toll. Free from arrest. |
| 24. Artillery.  | 63. Exemption of Adjutant General and Staff.                                 |
| 25. Colored corps.  | 64. Returns—form of.   |
| 26. Inspecting officers.  | 65. Penalty for false returns.   |
| 27. Yearly drill: number of days.   | 66. Company returns.   |
| 28. Officers, &c., drill—how computed.  | 67. Penalties for omission to make returns                                   |
| 29. Drill to count must be ordered, and diaries kept.                                       | 68. Responsibility of officers' returns.                                     |
| 30. Examination of officers.  | 69. Adjutants—duties of. Certificate to return                               |
| 31. Duration of drill. Travel.  | 70. Quarter-masters—duties of.   |
| 32. Penalties. Colonels. Captains, &c.  | 71. Returns of.  |
| 33. Penalty for not attending squad drill.  | 72. Quarter-masters of disembodied regiments to give Bonds                   |
| 34. Penalty for misbehaviour on duty. Warrant.  | 73. Quarter-masters of embodied regiments                                    |
| 35. Penalty for refusing to escort.   | 74. Militia Courts   |
| 36. Payment of escort by offender. Penalty for non-payment                                  | 75. Courts Martial—how composed  |
| 37. Penalty for being drunk on duty. For selling liquor on parade. Liquor may be destroyed. | 76. Unbecoming conduct of officers—penalty.                                  |
| 38. Penalty for using mutinous or insulting language  | 77. Defalcations—how punished  |
| 39. Penalty for absence from company drill Refusing duty. Must make up drills. Proviso.     | 78. Criminal cases in time of peace  |
|   | 79. Prosecutors in Courts Martial.   |
|   | 80. Charges, &c., to be published.   |
|   | 81. Officers reduced to have copies of correspondence.                       |
|   | 82. Expenses of Courts—how defrayed. Limited                                 |

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| 83. Witness fees. Penalty for default.   | 127. Fines in City of Halifax—how recovered.   |
| 84. Affirmation.   | 128. Fines—how applied   |
| 85. Artillery, Rifle, and Cavalry Companies  | 129. Account of fines  |
| 86. Volunteer districts.   | 130. Votes for militia service at disposal of Commander-in-Chief   |
| 87. Exemption of Volunteers.   | 131. Accounts, &c. rendered quarterly to Financial Secretary   |
| 88. Volunteers—how classified. Strength of company.  | 132. Commander-in-Chief may cause ballot of militia.   |
| 89. Excuse of absence—when sufficient.   | 133. Definition of terms Warrant   |
| 90. Officers' commission; when retained; when cancelled.                                       | 134. Commanding officer in time of war Militia, when called out for actual service, subject to articles of war, mutiny act, &c. Not subject to corporal punishment, except death or imprisonment Flogging. |
| 91. Oath of allegiance.  | 135. Dismissal.  |
| 92. Bye-laws; in peace.  | 136. Pay, allowances, rations, &c., on actual service.   |
| 93. Fines.   | 137. Wounded, &c.—how supported.   |
| 94. Uniform, &c.   | 138. Death—provision for family  |
| 95. Commander-in-chief may combine Volunteers and Militia.                                     | 139. Billetting.   |
| 96. Drill of volunteers—how regulated.   | 140. Ballot for actual service—how taken.  |
| 97. When no returns, no issues. Volunteers when exempted from militia duty.                    | 141. Men for actual service—how furnished. Man to find substitute, or penalty.   |
| 98. Courts martial and of enquiry.   | 142. Not liable to serve twice in four years until all effectives have served  |
| 99. Misconduct on duty.  | 143. Place on roster on removal.   |
| 100. Sentence final.   | 144. Ability of men for duty to be ascertained. &c.  |
| 101. Courts how constituted.   | 145. Militia men drafted for war deemed enlisted. May be proceeded against under mutiny act for non-attendance.  |
| 102. Bond to be cancelled on resignation of office.  | 146. Commander-in-Chief may select drafts Number of days training &c.  |
| 103. Recovery of mutual debts.   | 147. Volunteers first for actual service   |
| 104. Acceptance of militia commission incapacitates for volunteer.                             | 148. Substitutes for army and navy, clerks, &c. Expenses—how assessed.   |
| 105. Commander-in-chief to have entire control of military staff. Imperial and militia forces. | 149. Collection of assessment  |
| 106. Officers on pay may be removed.   | 150. Armed boats—how provided.   |
| 107. Authorities not liable for debts of staff. Discipline, &c.                                | 151. Number of men to be called out for actual service.  |
| 108. Officers, &c. of local force eligible for staff.  | 152. Commander-in-Chief may select officers, &c.   |
| 109. One half of cost of drill-rooms, &c. to be paid by government.                            | 153. Volunteers for defence of New Brunswick.  |
| 110. Storage of arms, &c.  | 154. Actual service  |
| 111. Liability of persons in charge of government property. Bonds.                             | 155. In case of sudden attack commanding officer may call out militia of district, &c.   |
| 112. Armory, &c. open to use of local forces   | 156. Exorbitant demands.   |
| 113. Drill-grounds to be open. May be hired. Rent assessed by sessions.                        | 157. Duties regulated by rosters.  |
| 114. Target practice, &c.  | 158. Where several sons in family, one excused.  |
| 115. When suspended  | 159. If son sole support of widow, &c., to be excused  |
| 116. Arms to be provided at expense of Province.   | 160. Local duties—able-bodied men of second class to form local reserve.   |
| 117. Bonds for arms to be given. Form.   | 161. Guards.   |
| 118. Arms—where deposited. Inspection.   | 162. False alarm.  |
| 119. Senior officers responsible for arms.   | 163. Chapter 29 Revised Statutes, repealed.  |
| 120. Penalty for disposing of arms. Illegal possession of government property                  |  |
| 121. Inspection of arms  |  |
| 122. Arms to be returned when required   |  |
| 123. Arms in unserviceable condition.  |  |
| 124. Commanding officers liable for all arms.  |  |
| 125. Limitation of action  |  |
| 126. Fines—how recovered, levied and commuted.   |  |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Governor of this Province is constituted the Commander-in-chief of all the local forces thereof; and every man of the age of sixteen, and not over sixty years of age, except Clergymen, members of the Executive Council, Judges of the Supreme Court, and Judge of the Court of Vice Admiralty, shall be enrolled in the militia.
 

Commander-in-chief.  
Persons to be enrolled.
2. The militia shall be divided into first and second class, the first class to be men from sixteen to forty-five years of age, and the second class to be men from forty-five years of age to sixty. The first class shall be the first for training or service, and the second class shall not be called out in time of peace, but shall be a reserve in time of war.
 

How divided.  
First class.  
Second class.
3. Commissioned officers, over sixty years of age, may be relieved from further service in time of peace, and may be placed on the unattached list, to come in with the second class men, should their services be required, in war; and officers after twenty-one years service, provided they have reached the age of forty-five, shall be entitled to promotion to the next superior grade of the unattached list, to come in with the reserve on the appointment of the Commander-in-chief.
 

Old commissioned officers may become unattached.
4. Unattached officers, under sixty years of age, shall be liable to be called upon for duty in the counties where they reside, under the penalty of losing their commissions on refusal to perform service. No officer under forty-five years of age shall go on the unattached list.
 

Unattached officers liable for duty.
5. Unless otherwise specially expressed, no part of this chapter shall apply to the second-class of militia in time of peace.
 

Not to apply to second class in peace
6. If any difference shall arise between the captain and any man concerning his age, it shall be incumbent on the man to prove his age.
 

Disputes regarding age—how settled.
7. Every man shall enroll himself in the company district in which he lives, on or before the first day of May in each and every year, subject to a fine of two dollars for not having done so; and if any man shall not enroll himself, and shall in consequence be absent from any muster, he shall be liable to the fine for non-attendance at such muster, although he shall not have been warned to attend muster. Any man who shall have moved out of the limits of his company, shall, within ten days thereafter, give in his name, age, and place of residence to the captain of the district into which he shall have removed, or to the person appointed by the captain to command and enrol the squad division within which he shall reside, for the purpose of being enrolled therein, under a penalty of two dollars.
 

Enrolment.
8. When any person has ceased to hold a commission, he shall be liable to perform militia service in the ranks in the reserve or in the first class, according to his age.
 

On commission ceasing, liable to serve in ranks

County organi-  
zation.

9. The militia in each county shall be formed into regiments, the regiments shall be divided into companies, and the companies shall be divided into squads.

Districts and  
divisions—how  
determined.

10. Regimental districts shall be determined by the lieutenant colonels in each county; companies divisions by the lieutenant colonel of and captain in each regiment, and squad divisions by captains of companies—all subject to the orders and approval of the Commander-in-chief.

Appointment  
of officers.

11. The Commander-in-chief shall appoint commissioned officers, adjutants, and commissioned regimental staff, and make regulations for their attendance at drill and their examination for appointment and promotion. Any officer neglecting his duty, and failing to give satisfactory reasons for such neglect when called upon, may be deprived of his commission by the Commander-in-chief, or at the option of such officer, be brought before a court martial for trial. Militia regiments failing to organize or train, may be called out for muster or training under officers or non-commissioned officers of contiguous or other districts, at the discretion of the Commander-in-chief; and the officers so employed shall be paid four dollars a day, and non-commissioned officers two dollars—to be levied by assessment on the regimental district.

Penalty for neg-  
lect of duty.

Pay.

Adjutants.

12. Adjutants shall be divided into first and second class, the latter to be designated acting Adjutants, and the former Adjutants.

Adjutants' pay—  
how drawn.

13. Adjutants shall be entitled to receive forty dollars per annum, and acting Adjutants twenty dollars, to be drawn from the Provincial Treasury on certificate from the commanding officers of regiments, to which Adjutants of either class are attached, that they have faithfully performed the respective duties required of them; but no Adjutant shall receive any pay or allowances until he is certified by the Adjutant General of Militia, that all the returns of his regiment are in up to date, and Adjutants behind hand in periodical returns shall forfeit their pay for the year unless otherwise ordered by the Commander-in-chief.

Adjutants' duty.

14. Under the orders of their commanding officers, Adjutants shall attend to field duties, the enrolment and organization of their regiments and such correspondence and returns as they may be commanded to conduct.

Acting Adj-  
utants—duties of.

15. Acting Adjutants shall attend to the acquirement of field duties on opportunity being afforded them, and shall conduct all the other duties required from adjutants, until qualified as field adjutants, when they rank as first class on approval.

How appointed.

16. The Lieutenant Colonels may appoint acting adjutants.

How promoted  
and removed.

17. No acting adjutants, not being qualified, shall stand in the way of the promotion to the first class adjutancy of any officer who is qualified and willing to take the duty, and adju-



tants of either class may, on the report of an inspecting field officer, or the commanding officer, be removed, or superseded by order of the Commander-in-chief for incompetency or neglect of duty. First class adjutants detailed by headquarters for training at out posts, being beyond five miles from their place of residence, shall be entitled to \$1.50 per diem, but shall not claim this as additional allowance to that under section 14, when training in any other regimental district not being their own.

Pay when on duty at outposts.

18. Lieutenant colonels may appoint officers with acting rank who, pending the pleasure of the Commander-in-chief, shall have the power and authority of their rank and shall be subject to the same penalties as commissioned officers for every breach of duty, and acting officers can be removed for neglect of training or duty by lieutenant colonels on reference to headquarters.

Acting officers—how appointed;

How removed.

19. Lieutenant colonels shall appoint sergeant-majors, quartermaster sergeants, and other regimental non-commissioned staff, not attached to companies. They shall also appoint the non-commissioned officers of companies on the recommendation of their respective captains.

Non-commissioned officers—how appointed.

20. Every company, of not more than sixty men, shall have a captain, two subalterns, a color sergeant and a sergeant, and a corporal to every twenty men, larger companies may have an additional subaltern.

Companies' number of officers.

21. Any person refusing to serve as a non-commissioned officer shall be fined in a sum not less than ten and not more than twenty dollars, half to be paid to a substitute and half to the regimental fund, but shall not be subject to a fine for any subsequent like refusal within five years; but this section shall not apply compulsorily to effective volunteers. Effective non-commissioned officers shall drill with the regiments to which they have been attached, irrespective of the districts in which they reside, on the certificate of the adjutant of the regiment to which they are so attached.

Non-commissioned officers—penalty for refusing to serve;

Drill of.

22. To all non-commissioned officers of regiments who have attended twenty-eight days drill, prior to the annual regimental inspection, who have provided themselves with proper uniform, and recommended by the commanding officer for satisfactory performance of their duty, and who pass examination as properly drilled and competent instructors, before the inspecting field officers, the sum of ten dollars shall be granted.

Non-commissioned officers—pay of.

23. The Commander-in-chief may organize detached companies in remote districts and may make regulations for their enrollment, training, and discipline, until such time as it may be expedient to consolidate them into battalions, and may attach them to other battalions as detachments, or put them under the separate command of field officers or captains, and as far as

Detached companies may be organized.

practicable they shall be subject to general regulations and the provisions of this act.

Artillery.

24. The Commander-in-chief may organize militia Artillery by draft or otherwise, and make regulations for them.

Colored corps.

25. Colored corps shall be under the special regulations of the Commander-in-chief, and in the absence of such special regulations, the colored population shall be enrolled and be subject to draft and service in the proportions laid down in this act.

Inspecting officers.

26. The Commander-in-chief may appoint officers to inspect all or any of the regiments of militia throughout the province, and such officers, when commissioned and published in general orders to the militia, shall be obeyed in all things lawful.

Yearly drill—  
number of days.

27. The Commander-in-chief may call out the militia for any number not to exceed twenty-eight days drill in each year, for squad, company, or battalion training; as he shall order, but no previous drill, performed by officers or non-commissioned officers, shall exempt them from such squad, company, or battalion training.

Officers', &c.  
drill—how com-  
puted.

28. Officers and non-commissioned officers training, when their men are called out, may count their days drill on any subsequent officers or non-commissioned officers training, being ordered within the year.

Drill to count  
must be ordered,  
and diaries kept.

29. No drill shall count unless ordered from headquarters by general regulations or express orders or sanction, nor unless proper diaries are sent in and approved of at headquarters.

Examination of  
officers.

30. The Commander-in-chief may cause commissioned officers to be examined at any time, by Boards or officers by him appointed, in order to test their military qualifications for the service. Officers not attending twenty-eight days' drill, when ordered so to do, including the annual drill with their regiments, shall be liable to be superseded or reduced, by order of the Commander-in-chief.

Duration of drill.  
Travel.

31. No man shall be required to attend squad or company drill for more than three hours in one day, nor to attend squad or company drill more than twelve miles, nor battalion muster or drill more than twenty miles.

Penalties—Col-  
onel, Captains,  
&c.

32. Every colonel who shall not give the necessary orders for the assembling of his regiment, as required by law, and general orders for enrollment, muster, or training, shall forfeit eighty dollars; and every captain who shall not obey the orders of his superior officer in this respect, shall forfeit twenty dollars; and every squad commander who shall not obey the orders of his superior officer for the assembling and training of his squad—two dollars for each neglect.

Penalty for not  
attending squad  
drill.

33. Every person who shall not attend squad drill, and shall not have a reasonable excuse, to be adjudged of by his

captain, shall be fined in a sum not exceeding one dollar for every such non-attendance.

34. If any person shall misbehave or interrupt the proceedings in any way, at any meeting for militia purposes or duty, the commanding officer, by verbal order, without issuing any warrant, may place him in confinement until the duties of the day are over, and may impose, for each offence, a fine of not less than one, or not more than three, dollars, to be recovered as hereinafter directed; or may send him to jail for three days, or, in his discretion, may in the first instance send him to jail for a term not exceeding three days, or until sooner discharged by the commanding officer of the regiment, and for that purpose shall issue his warrant according to the following form:

Penalty for mis-  
behaviour on  
duty.

“To the Sheriff or the Keeper of the Jail for the County  
of \_\_\_\_\_.”

Warrant.

“You are hereby required to receive C. D., of my \_\_\_\_\_, who was guilty of [*state offence*] on the day of \_\_\_\_\_, and him closely confine in your jail for the space of \_\_\_\_\_ days from the time of his being delivered into your custody; and at the expiration thereof, him the said C. D. to release from your custody in said jail, on payment of your fees, and for which this shall be your sufficient warrant.

“Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186  
Signed, \_\_\_\_\_ A. B.”

(Here insert rank and command.)

35. If any non-commissioned officer, ordered to escort such person to jail, shall not do so, he shall be subject to a fine of eight dollars, and be liable to be reduced to the ranks; and any private who shall neglect to perform such duty, two dollars; and any sheriff or jailer who shall refuse to receive and detain any person for the time specified in the warrant, shall be subject to a fine of twenty dollars.

Penalty for re-  
fusing to escort.

36. Each person of the escort shall receive five cents per mile for conveying the offender to jail, (going and returning), to be paid by the offender before he shall be discharged; and if he does not pay the same, he shall be detained in jail twenty-four hours extra for every dollar of the amount, in which case the quarter-master shall pay the escort the fee out of the fines; and in case there be no funds arising from the fines, the same shall be paid from the county treasury, on the order of the commanding officer of the regiment.

Payment of  
escort by offen-  
der.

Penalty for non-  
payment.

37. Any militiaman being drunk when on parade or duty, may be confined by the verbal order of the senior officer, or non-commissioned officer present, until the dismissal of the men, and shall for every such offence be liable to the penalties imposed by section 34. Any person who shall sell or introduce any intoxicating drink on any parade, practice, or exercise ground, or adjacent thereto, during the drill, shall be fined in a sum of not less than two or more than ten dollars; and the

Penalty for  
being drunk on  
duty:

For selling  
liquor on parade.

Liquor may be destroyed.

liquor may be spilled on the ground by any commissioned or non-commissioned officer.

Penalty for using mutinous or insulting language.

38. Any man using mutinous or insulting language or gestures to any of his superior officers on parade or duty, or interrupting any duty or drill, by blasphemous or obscene expressions, shall be liable to be fined in a sum not less than three nor more than twenty dollars, to be collected as herein-after provided; and such person may be placed in confinement and committed to jail, as provided in section 34, by the officer in command, for a period of not more than ten days.

Penalty for absence from company drill;

refusing duty.

39. Any man who, upon three days notice, shall not attend any company or battalion parade, for muster, enrollment, or drill, for the first day shall pay two dollars; for the second day, three dollars, and for every subsequent day within the year, four dollars; and every man refusing to perform the duty required of him, or falling out without the permission of the senior officer on parade, shall be liable to a penalty of say not less than one nor more than four dollars, and should he quit the parade without leave he shall be liable to both penalties; and any man upon whom a fine has been imposed, and in whose case it has been found necessary to collect such fine by legal process, shall be liable to make up duty or drill under the same penalties as if he had not been absent and fined or punished—provided that this section shall not extend to those who have paid fines previous to the issuing of the warrant for collection.

Must make up drills.

Proviso.

#### OF MUSTERS, BOARDS OF APPEAL, EXEMPTIONS, ETC.

Boards of Appeal—how formed.

40. The colonel or commanding officer shall form Board of Officers to hear appeals from fines for not attending at muster or duty, to consist of four officers of the regiment, of whom two at least shall not be of lower grade than a captain—three of whom shall form a quorum, and shall, by regimental order, appoint a day for the meeting of said board, not to be longer than one hundred and twenty days after the conclusion of training or muster, and each and every commander of companies shall have six days notice thereof, in order that he may have time to serve absentees with three days notice. The board of appeal may adjourn from day to day, or for such time as they may find necessary, according to the decision of the president; and should any member of said board, as originally constituted, be prevented by illness or otherwise from attending said board, the colonel or commanding officer may appoint an officer in his place, said absentee, however, satisfying his commanding officer as to the cause of his non-attendance, or otherwise to be held liable to the penalties imposed by section 34 of this act.

Notice to person fined.

41. The captain shall cause every person fined for non-attendance to be notified, either personally or by writing left at his place of business, or last place of abode, that at a certain

time, the same not to be less than three days after such notice, and at a place therein to be mentioned, a board of officers will hear appeals.

42. The board of officers before entering on duty shall take and subscribe the following oath, which shall be administered by the senior officer to the other members, and afterwards by any sworn member to the senior officer.

Oath of mem-  
bers.

“ I, ———, do swear that I will well and truly investigate and determine the causes brought before this board without partiality, favor, or affection, and a true judgment give according to evidence; and I will not at any time, whatsoever, disclose or discover the vote or opinion of any particular member of this board, unless required to give evidence thereof as a witness, by a court of justice or a court martial in due course of law.

Form.

So help me God.”

43. All witnesses shall be examined on oath, under the proceedings of the board, and the evidence shall be taken down in writing and be transmitted to the commanding officer of the regiment. After the conclusion of proceedings, and signature by the president, and the commanding officer shall carefully examine and revise the proceedings, annexing his signature and his approval or disapproval, and his remarks, in case of the latter, where it shall appear to him that any person so fined has not received the necessary notice to attend the board of appeal by causes over which he had no control, or that there have been other informalities in the proceedings of such board, shall have power to refer such proceedings back to the board for reconsideration before entering final judgment; and the written proceedings of boards of appeal shall be evidence before other courts; and the magistrate shall issue the necessary warrant for the collection of the penalty, and on non-payment thereof, for the imprisonment of the party so fined, upon presentation of the report of said board, and the affidavit of the quarter-master that it is the report furnished him by the commander of the regiment, and that it has been duly signed by such commander. Parties who have incurred a penalty which comes within the jurisdiction of the board of appeal, and who have had due notice of the sitting of such board, and who shall not attend thereat personally or by an agent, shall not be permitted in any subsequent prosecution for the recovery of any fine to allege as a defence, or in mitigation of such fine, anything which should properly have come within the consideration of such board; and the decision of the board in all cases within its jurisdiction, shall be final and conclusive.

Proceedings —  
how conducted.

Decision to be  
final.

44. Boards of Appeal shall not be entitled to any pay or allowances.

No pay or allow-  
ance.

45. The Board may remit any fine, or any portion of a fine, on proof of sickness of the man or one of his family, requiring his attendance, or of an unavoidable necessity, or accident,

Board may remit  
fine in certain  
cases.

really preventing his attendance at muster or duty, or for the want of due notice to attend.

Schedule of fines.

46. All fines confirmed or remitted by the Board shall be certified in a schedule to be signed by the president.

Notice of musters

47. Every man shall receive at least three days notice of the squad, company, or battalion drill at which he shall be required to attend, to be given to him by any commissioned or non-commissioned officer, or under the written orders of the captain, by any private, or, if he cannot be found, to be left at his abode or place of business; but in the latter case, if the man shall not receive the notice, he may prove his ignorance thereof to the Board of Appeal; but a warning suppressed by any third party shall be taken as if the warning was regularly given; and any man making a vexatious, trivial, or unfounded appeal shall pay double penalties, at the discretion of the Board.

When warning is suppressed.

Penalty when late for drill.

48. Militia men late for muster, drill, or parade, but reporting themselves personally, within thirty minutes after roll call, shall be subject to half fines, and to make up duty, when required, within the year, as directed by the commanding officer of the regiment, or his orders.

Orders at musters to be notices.

49. The commanding officers at any muster may name any other day or days, for reassembling, at any kind of muster, and his orders thus given shall be a notice to every man who shall have been notified of the first day of meeting, or who shall not have been enrolled.

Temporary absentees to make up drill.

50. Temporary absentees on account of transient absence, sickness, or any other cause, on return or recovery, shall be liable to make up training or duty within the year; unless in the case of absentees they can produce certificates from commanding officers, that they have performed the required annual duty in the district of some other regiment; and pilots and seafaring men may be called on under this section.

Crews of vessels.

51. The crews of vessels about to proceed to sea, if warned for militia duty, shall not be liable to fine on account of sailing.

Excuse for non-attendance.

52. When a captain shall accept of an excuse for non-attendance at muster, he shall enter it in the company's records, and, if required by the colonel, make a written report thereof, and for neglecting to do either shall be liable to a fine, not exceeding ten dollars.

Meetings of officers.

53. The colonel shall once in every year, and oftener if he shall think fit, require the officers to meet at such time and place as he shall appoint, to confer with him for the better regulations of their companies, for establishing the limits of the company districts, for appropriating fines under regulations, and making such rules as may be deemed proper for military dress and discipline. But all these proceedings shall be subject to the approval of the Commander-in-chief, unless they are in accordance with standing regulations not requiring reference to headquarters.

54. If any officer shall neglect to attend any court, board, or meeting for drill or otherwise, ordered by the colonel, without reasonable excuse, he shall be liable to a fine,—if a field officer, of twenty dollars; if a captain, twelve dollars; and if a subaltern, eight dollars,—and commanding officers may appoint the next available officer to perform duty in the place of the absentee.

Officers—penalty for not attending drill, &c.

55. When any man shall complain to his captain, or the senior officer of his company, that, by reason of sickness or infirmity, he is unable to perform militia duty, the captain or senior officer shall refer the case to the surgeon of the regiment, or, in his absence, to any other physician or surgeon, who shall thereupon examine him as to such sickness or infirmity, and shall, upon receiving from him the fee of fifty cents, give him a certificate of the nature and extent of such sickness or infirmity; and if the Board, or officers to be appointed by the colonel for that purpose, shall report that the man is unable to perform his duty, the colonel shall exempt him therefrom, until his disability shall cease.

Exemptions on account of sickness, &c.

Surgeons' fees.

56. Persons permanently disabled by accident, deformity, or confirmed chronic disorder, shall be entitled to standing certificates of exemption, which shall certify the nature and extent of such sickness or infirmity.

Permanent disability.

57. Sick certificates shall only be valid when signed by regularly qualified medical practitioners; and any person not being so qualified by law to practice who shall sign a certificate for militia exemption, or any practitioner who shall knowingly give a false certificate, shall be liable to a fine of twenty dollars, to be sued for by the commanding officer of the regiment.

Sick certificates—when valid

Penalty for false certificates.

58. Any medical man refusing a certificate under the preceding sections, after having been paid or tendered the fee of fifty cents, shall be liable to a fine of eight dollars.

Penalty for refusing certificates.

59. The following persons shall be exempt from attending all musters, unless they hold commissions, namely, the members of executive and legislative council and the members of the house of assembly, the clerks of the executive and legislative councils and house of assembly, and the mayor of the city of Halifax; the judges of the supreme court and the court of vice admiralty; clergymen; registrars of deeds, sheriffs, the heads of the several public departments and clerks in their offices; lighthouse keepers; the principal and professors of the Normal school; officers of the customs; officers of the colonial revenue; all clerks, storekeepers, mechanics, laborers, and others employed in the civil and military departments of the army and navy; ferrymen and toll-bridge officers; the persons regularly employed in the managing, working, and upholding the railway; telegraph operators; postmasters, and all mail carriers; engine men, axe men, and all fire wardens and members of the Union Protection Company; jailors, keepers of

Exemptions from muster

prisons and cemeteries, and persons employed in the Lunatic asylum, Quakers certified by their societies, and all professors of colleges, teachers of academies, and licensed schoolmasters actually employed as such; all foreign consuls being aliens.

Aliens—how exempted.

60. Persons not natural born or naturalized subjects of her Majesty, may be relieved from militia duty by paying into the regimental fund of the battalion or district in which they respectively reside, at any time before the day of training, the sum of three dollars and a receipt from the Quarter-master to that effect, shall constitute an exemption.

Officers and men in uniform on duty, free by rail.

61. Militia officers, or volunteers in uniform and on duty, and the militia staff on duty, shall pass free by rail; also, militia men going to regimental muster or returning therefrom, whether in uniform or not, when attending annual regimental or company training, to be certified by the captain of the company.

Officers and men on duty, free from ferrage or toll;  
Free from arrest.

62. Officers and militia men going to and returning from duty shall be entitled to a free passage across any ferry or toll-bridge, and shall be free from arrest under civil process; and any officer arresting them shall be liable to an action for damages; and any toll-bridge officer or ferryman refusing such free passage shall be liable to a fine not exceeding three dollars in each case.

Exemption of Adjutant-General and Staff.

63. The Adjutant General and the Militia Headquarter Staff shall be exempt from serving on juries, or in any civic office, and from statute labor or poll tax, and the correspondence of the Adjutant General's office on militia duty, shall be exempt from postage.

#### OF MILITIA RETURNS OF STRENGTH, TRAINING, AND REGIMENTAL SERVICES.

Returns—form of.

64. All returns shall be in the forms prescribed by the Commander-in-chief.

Penalty for false returns.

65. Any officer wilfully making a false return, shall be cashiered by a general court martial in time of war, or be deprived of his commission in time of peace, by the Commander-in-chief, who may refer cases to court martial at his discretion, with or without appeal being made; when acquitted, shall reinstate the accused officer, and expenses of prosecution and defence shall be defrayed from the public funds; but in case of conviction, the defendant, in addition to being cashiered, shall be liable to full costs and expenses, including all charges for the assembling and sitting of the court.

Company returns

66. Every captain shall, before the first day of November, in each year, and oftener if the colonel shall require it, make returns of the strength of his company, and of the arms thereof, which are to be addressed to the adjutant, and the colonel shall, before the first day of January next following, make out for and forward to the Adjutant General a return of



the strength of his regiment, and of the arms and of the amount of fines collected, and of the expenditure thereof, with vouchers.

67. Any colonel failing to make the return prescribed by the preceding section, shall forfeit a sum not exceeding forty dollars; and his adjutant shall not be entitled to any allowance for the current year, nor shall his command receive any gratuitous issues of any kind for the year next following.

Penalties for omission to make returns.

68. Captains, subalterns, and officers in charge of squads, shall be responsible for the accuracy of squad returns, of men, and fines, the captain collecting them with his company returns, and superintending the proper performance of duty by his subordinates, who shall be accountable to the commanding officers and the Commander-in-chief for any neglect of duty on the captain's report thereof.

Responsibility of officer relative to returns.

69. The adjutants will collect from the captains, all the summary company statements of strength, musters, and drill,—and under the order of commanding officers, will compile the regimental statements in duplicate,—one copy for the information of the colonel, and the other through him, with his signature, for record in the Adjutant General's office, at Headquarters; and the adjutants of regiments shall have access to all regimental company and squad books, and documents at all times; but shall not interfere with financial matters without the express orders of the commanding officers, conveyed in writing, who may desire him or any of the field officers to investigate the quarter-master's accounts, or may hold boards of officers for that purpose, consisting of not less than two captains, presided over by a field officer. Neither the adjutant nor quarter-master shall be entitled to any pay or allowance until their returns and accounts are approved of.

Adjutant's—duties of.

The financial returns of the year (Sec. 66) shall be accompanied by the following certificate:—

“I certify that [*rank and name*] being first [*or second*] class adjutant of the regiment, under my command, has performed his duties to my satisfaction, and that all the periodical returns of my command have been sent in to this date. I also certify that [*rank and name*] being quartermaster of my command, has settled all his regimental accounts of the year, and that correct abstracts of these accounts have been furnished to headquarters.”

Certificate to return.

70. The quarter-masters and their sergeants shall, on the information of the respective officers, or other competent regimental authorities, collect and account to commanding officers for all fines, and shall have access at any time to any regimental or squad records having reference to the liability to or collection of fines; and it shall be their duty to collect all fines from the captains of companies, giving their vouchers and countersigning the captain's book when satisfied of their

Quartermasters—duties of;

correctness, and reporting any inaccuracy of records of accounts that may come under their notice to their commanding officers, and they shall collect fines due from officers direct, in the name of the commanding officer, and give vouchers for the same on receipt.

Quartermasters  
—returns of.

71. It shall be the duty of the quarter-master to make out the financial returns in duplicate, one copy to be forwarded by the commanding officer with his signature thereto annexed, to the office of the Adjutant General, and the other to be kept at the regimental headquarters, and to be at all times open to the inspecting officers, and on application to the commanding officer, or the adjutant, to captains of companies, who may examine, take copies of, or make abstracts from the same, in the presence of the adjutant or any field officer.

Quartermasters  
of disembodied  
regiments to  
give bonds.

72. Quartermasters of disembodied regiments of militia shall give bonds to the amount of two hundred dollars, with two approved securities, for the due performance of their duties in time of peace, and shall be entitled to five per cent. on all fines collected after accounting for them, and paying in the aggregate to the lieutenant colonel, who shall hold an officers' meeting for final settlement, once or twice in each year, when company and squad books, and all other vouchers shall be produced, examined, and verified by the lieutenant colonel, and the two senior officers, at the meeting, with their signatures attached.

Quartermasters  
of embodied  
regiments.

73. In embodied regiments quarter-masters may be held to security at the discretion of the Commander-in-chief, according to the amount of public property in their charge, and paymasters will be obliged to afford the same securities as are exacted in the line.

#### OF MILITIA COURTS IN TIME OF PEACE.

Militia courts.

74. The Commander-in-chief may assemble militia courts in accordance with the practice in the line, but no penalties not prescribed in this chapter shall be inflicted in time of peace.

Courts martial—  
how composed.

75. Should it be inconvenient to assemble general court martials of a president and twelve members, they may be formed of a president, being a field officer, and six officers, not inferior in grade to the defendant. The Commander-in-chief may assemble courts of enquiry, in accordance with the practice in the line.

Unbecoming  
conduct of officer  
—penalty.

76. Any officer guilty of conduct unbecoming the character of an officer and a gentleman, may be deprived of his commission by the Commander-in-chief, or at the option of such officer, be brought before a court martial, when, if convicted, he shall be reduced, and be fined not less than twenty-five dollars, nor more than fifty, which shall go towards defraying the expenses of the court.

Defalcations—  
how punished.

77. Financial defalcation of any kind connected with the

militia service, shall be cognizable by the ordinary courts of judicature, and commanding officers may cause such cases to be handed over to such courts, to be dealt with according to law, and the provisions of this or any other act having reference to fraud.

78. No court martial shall adjudicate on any criminal case in time of peace; nor shall any proceedings in any militia court bar any ulterior proceedings in any other court; and in time of peace, conviction by a civil or criminal court, shall be cognizable by the Commander-in-chief, who may act thereupon by depriving any officer of his commission for conduct unbecoming an officer and gentleman.

Criminal cases  
in time of peace.

79. In courts martial the Commander-in-chief may appoint prosecutors and acting judge advocates, but no complainant or party to the suit shall prosecute.

Prosecutors in  
courts martial.

80. The charges, finding, sentence, and revisal of all courts martial on officers, shall be published in the "Royal Gazette"; and any officer who has been on trial may call for a full copy of all proceedings, which shall be furnished to him from the place of record without charge.

Charges, &c to  
be published.

81. Any officer reduced by order of the Commander-in-chief may demand full copies of all correspondence connected with his case, which shall be furnished him free of expense from the place of record.

Officer reduced  
to have copies of  
correspondence.

82. The Commander-in-chief may call for vouchers, and draw upon the treasury for the sums necessary to defray the expenses of the militia or volunteer courts; but no president or members of any court, nor any acting judge advocate, or prosecutor, shall be entitled to more than four dollars a day, travelling expenses included, when residing more than ten miles from the place of assembly of the court, or more than two dollars a day if residing on the spot, or within ten miles of it.

Expenses of  
court—how de-  
frayed;  
limited.

83. Witness fees in all military courts under this chapter, shall be the same as in the supreme court. Witnesses refusing to appear before any militia or volunteer court, or civil court, on being summoned for default before any civil court, shall be liable to the same penalties as if they had refused to appear before the court before which they may be summoned for non-appearance, with the same costs and expenses.

Witness fees.

Penalty for de-  
fault.

84. Persons objecting to oaths from alleged conscientious motives, may, upon the President being satisfied that the objections are sincere, be put upon the affirmation which the statute prescribes for such witnesses.

Affirmation.

#### OF THE ORGANIZATION, DISCIPLINING, AND TRAINING OF THE VOLUNTEERS.

85. The Commander-in-chief may authorize the formation of artillery, rifle, and cavalry companies, in the several regiments or battalions, and may frame regulations for them.

Artillery, Rifle,  
and Cavalry  
companies.

Volunteer districts

86. Volunteer corps shall have their districts prescribed by their commanding officer; two or more companies, with the same headquarters, may be included in the same district; the City of Halifax and its suburbs, including Dartmouth, shall be one district.

Exemptions of Volunteers.

87. Effective members of volunteer corps, of all ranks, shall be exempt from serving on juries, or in the office of constable, and the performance of statute labor, or poll-tax, except in cases of animals of draft, or assessment on property, provided they be certified, by the commanding officer of the company, to the clerk of the peace, yearly, at or before the first of May; and the clerk of the peace shall, when required, give to any party exempted a certificate that his name is included in the list of exemptions; and such certificate, when produced to the surveyor of highways or commissioner of streets, shall entitle the party to the exemption allowed him by law; and the overseers or commissioners of streets may call upon the commanding officers of any corps of volunteers to affix his list of effective subordinates at any specified public place, within ten days' notice, once in the year; and on non-compliance with this requisition, his command shall not rank as effective for the year.

Volunteers—how classified.

88. Members of volunteer corps shall be divided into three classes: effectives, non-effectives, and honorary members; the qualifications of effectives shall from time to time be prescribed by the Commander-in-chief; but no volunteer who is not uniformed, has not taken the oath of allegiance, has not perfected himself in training, as far as instruction has been offered, or shall not maintain his efficiency in training to the satisfaction of the Commander-in-chief, the inspecting field officers, and his commanding officer, or shall fail to attend any inspection in uniform, without leave of absence, or shall not have attended twelve days' aggregate training in the year under the staff instructors, or the officers of his corps inclusive, irrespective of target practice, without leave of absence of sufficient excuse to his commanding officer, for the information of inspectors at headquarters, shall not be returned as an effective, or claim any exemption as an effective, or shall claim any privilege whatever as an effective volunteer. No volunteer rifle company, being under the strength of thirty-six members, exclusive of officers and non-commissioned officers, not being rank and file, shall be entitled to any privileges, exemptions, or allowances made, or paid for from the public grant.

Strength of company.

Excuse of absence—when sufficient.

89. No excuse of absence from inspecting field officers inspections shall be deemed sufficient except on leave given by the commanding officers of volunteer corps in writing, or on account of unavoidable absence from the district of the corps, or on account of sickness, in which latter case a medical certificate must be forwarded to the officer commanding, and all leave given must be entered in the order books of corps.

90. No commissioned officer of volunteers, who shall permanently leave the district of his corps, or shall fail or cease to be effective, according to the definitions of this act, or the military regulations from time to time laid down at headquarters, shall retain his commission; but in the case of officers of volunteers permanently removing from their districts, or whose companies have been disbanded, and after undergoing an examination from the inspecting field officer of the district into which they have removed, shall be entitled to rank in the militia; and if offered such rank, and shall refuse the same, or shall not on such examination prove effective, they shall, if not otherwise exempted, perform duty in the ranks; and the Commander-in-chief, at his discretion, and upon authenticated military reports from inspectors, shall have power to summarily cancel the commissions of all officers who shall not fulfil the military condition of their rank, and may call together boards of examination, to be presided over by any inspecting officer or field officer of militia, to decide whether such officers have the requisite military qualifications for command, and may act at discretion, according to the report.

Officers' commission; when retained; when cancelled.

91. Every person enrolled in any volunteer company shall take the oath of allegiance to her Majesty, which oath any officer, or acting officer duly authorized by the Commander-in-chief, may administer.

Oath of allegiance.

92. Volunteer companies may make bye-laws for their government in time of peace, and may impose fines for the breach of any such bye-laws; but no such bye-laws shall be in force until approved of by the Commander-in-chief.

Bye-laws—in peace.

93. Fines imposed under any bye-laws, and dues and liabilities incurred by any volunteer, may be sued for in the name of the commanding officer of the corps, as a private debt, before one or more justices of the peace, or before the supreme court, or any other court, according to the amount claimed.

Fines.

94. The dress of volunteer companies, and the horses of volunteer troops of cavalry, shall be provided at their own expense, and their uniforms and appointments shall be subject to the regulations and the approval of the Commander-in-chief.

Uniform, &c.

95. The Commander-in-chief may combine the volunteer companies of any county with the militia regiments of the same, except in the case of all volunteer battalions, or may organize and drill them as a separate and distinct force, in companies, regiments, or brigades.

Commander-in-chief may combine Volunteers and Militia.

96. The Commander-in-chief may make orders for calling out the volunteer companies for drill, and may prescribe the number of days during the year on which such companies are to meet for the purpose, not being less than twelve days; and no volunteer drill or training shall count unless diaries of the particulars, in the form prescribed by the Commander-in-chief,

Drill of volunteers—how regulated.

be returned by the captain or officer commanding the corps, to the office of the adjutant general at headquarters, retaining a duplicate of the same at the headquarters of the corps.

When no returns, no issues.

97. No volunteer corps shall be entitled to any issues from headquarters between returns, unless the periodical returns last called for by standing orders or special demand be sent in within ten days after the requisition from headquarters. Effective volunteers, certified as such by their commanding officers, shall be exempt from militia duty. No man shall be exempt as a volunteer unless he has joined the company thirty days before the militia turn out. Volunteers shall not be exempt from attending militia training in their regimental districts unless they have completed twelve days' training previous to the militia of their regiment being called out, and captains are to see that all defaulters at drill turn out with the militia. Neglect or evasion of this section shall disqualify the corps as effectives for the year.

Volunteers when exempted from militia duty.

Courts martial and of enquiry.

98. The Commander-in-chief may appoint courts martial or courts of enquiry of volunteers, either as general or company courts, which shall have full power and authority to enquire into any matter or subject touching the organization, discipline, or conduct of volunteers, or touching any differences or disputes between volunteer corps which may be submitted to them by the commander-in-chief; and all persons shall, when required by summons from the president of any court, be bound to attend and give testimony on any subject under enquiry, such testimony to be given in the mode practiced in her Majesty's regular forces, and in default of appearance, shall be subject to the provisions of section 87 of this chapter.

Misconduct on duty.

99. Complaints relative to the misconduct of any volunteer while on duty, or on parade, may, when submitted to any such court, by the Commander-in-chief, be investigated before any such courts; and in case of such misconduct being proved, the court may recommend the expulsion of the offender, or may impose a fine not to exceed ten dollars.

Sentence final.

100. The recommendation or sentence of any such court, if confirmed by the Commander-in-chief, shall be final.

Courts—how constituted.

101. The Commander-in-chief may constitute militia and volunteer courts of judicature or enquiry, according to local and numerical convenience, and may direct their proceedings to be carried on on oath, and may cause them to investigate and give their opinion, or to decide, subject to his revisal. All their proceedings shall be in writing, and be signed by the president of the courts, and their sentences or opinions, and the revisal, shall be published in the "Royal Gazette."

Bond to be called on resignation of office.

102. On the resignation of any officer having charge of arms or other government property, the Commander-in-chief may give up or return the bond given by such officer, whenever he is satisfied that the terms thereof have been complied

with; and officers receiving or giving over government property shall exchange mutual vouchers, to be sent into headquarters.

103. Mutual military debts, in militia or volunteer corps, may be recovered as common debts.

Recovery of mutual debts.

104. If any member of the volunteer force shall hereafter accept a commission in the militia, he shall thenceforward cease to become a volunteer, and the commanding officer shall strike him off the roll.

Acceptance of militia commission incapacitates for Volunteer.

#### OF THE MILITIA STAFF IN TIME OF PEACE.

105. The Commander-in-chief shall have the entire military command and control of the permanent militia staff of the Province, and in time of peace may direct the summary discharge or reduction of any officer, non-commissioned officer, or man who may be guilty of misconduct whilst receiving any pay or remuneration; and this rule shall extend to all regimental staff who shall be in the receipt of any pay, allowances, or emoluments. Militia staff officers shall not assume executive command on parade, without the express orders or request of the senior officer in actual command of the parade; and no officer of militia, staff, or other, shall assume command of forces composed of imperial and militia troops, without the order or consent of the general or other officer in command of the imperial forces, unless in cases where there may be no imperial commissioned field officer present, or there be standing or other orders issued by the officer commanding the imperial forces to the contrary.

Commander-in-chief to have entire control of military staff.—

Imperial and militia forces.

106. The Commander-in-chief may also direct the removal or reduction of any officer, non-commissioned officer, or private, who may be employed in any capacity by the Province on pay, for neglect of duty, or inefficiency, in time of peace.

Officers on pay may be removed

107. The militia authorities at headquarters shall not be held responsible for any debts contracted by staff sergeants being permanent instructors; nor shall any stoppage or conversion of their pay be made at headquarters on account of their debts; and they shall be under the same discipline as the line, and shall have similar exemptions from arrest for small debts, unless cashiered, when they shall be liable to civil process for antecedent debt, and the substance of this section shall be published in the "Royal Gazette," and by such other means as the Commander-in-chief may direct.

Authorities not liable for debts of staff.

Discipline, &c.

108. Officers, non-commissioned officers, or men of the local forces, shall be eligible for the permanent militia staff of the Province, on inspection, examination, and approval of the Commander-in-chief.

Officers, &c. of local force eligible for staff.

OF ARMS, ARMORIES, MILITARY STORES, BUILDINGS, GROUNDS, AND  
TARGET PRACTICE.

One-half of cost  
of drill-rooms,  
&c., to be paid  
by government.

109. When any battalion, regiment, district, company, or county, shall have erected and completed an armory drill room, in any part of this province, under the direction and with the sanction of the Commander-in-chief, and shall show to his satisfaction that such drill room or armory is completed and ready for use, and is of sufficient dimensions, one-half of the cost may be drawn from the provincial treasury on account, and vouchers, verified on oath, being produced at the Financial Secretary's office.

Storage of arms,  
&c.

110. The storage, conservation, and distribution of all arms, military stores, and other government property, appertaining to the local forces of the province, and all issues or withdrawals of arms or stores, shall be subject to the regulations and orders of the Commander-in-chief.

Liability of persons  
in charge  
of government  
property.—

111. Persons having charge of any government property, shall be responsible for the same in full value, as for ordinary debts, and receipts and records in the adjutant general's office shall be proof of possession, and recipients may, at the discretion of the Commander-in-chief, be held to bond in two sureties to the full amount of the property. Until receipts of bonds, persons shall be liable for loss or damage who have taken over government property as next seniors equally with the bondsmen, and may be sued singly, or together with the former, for recovery.

Bonds.

Armory, &c.,  
open to use of  
local forces.

112. Any armory, drill room, or other building, on any ground, paid for or rented, in whole or in part, by any grant or any moneys drawn from the public treasury, shall, at the discretion of the Commander-in-chief, be open to the occupation or use of the local forces without distinction; but this section shall not apply to volunteer armories, targets, or grounds, rented expressly by volunteers for their own use, and for which they may receive a subsidy.

Drill-grounds to  
be open.

113. Drill grounds on which any money has been expended by the Provincial Government, shall be open to both militia and volunteers. Where there are no grounds, the commanding officers may hire them at a rate not exceeding three dollars per diem, and on failure thereof enter upon any grounds not under growing crops, and use the same as parade ground; and after annual drill, the commanding officer and the owner or occupant of such ground, shall each appoint an arbitrator, who may select a third, and these arbitrators shall award the damages sustained by said owner or occupant for the use of his ground, which damages or rent shall be assessed by the sessions of the several counties.

May be hired.

Rent assessed  
by sessions.

Target practice,  
&c.

114. The Commander-in-chief shall approve and regulate all target practice, and the construction of butts and their repair shall be subject to the supervision of the militia staff.



115. Any two justices of the peace may suspend target practice on any range, on information of danger, pending report to and enquiry by, the Commander-in-chief; and any person who shall, after notice of such suspension, use such targets, pending such enquiry, shall be fined a sum not exceeding five dollars for each offence. When suspended.

116. The Governor in Council may, in case of any emergency, provide, at the expense of the province, such additional number of rifles and accoutrements for the use of the militia as shall be deemed advisable. Arms to be provided at expense of province.

117. Militia men of any rank receiving arms, accoutrements, or government property, may be required to give a subordinate bond to their commanding officer or captain, in the following form, executed by themselves and two securities: Bonds for arms to be given.—

“Know all men by these presents, that we, A B and C D, are held and firmly bound unto our Sovereign Lady the Queen, in the sum of fifty dollars, to be paid to her Majesty, her heirs and successors; for which payment, well and truly to be made, we bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Form.

“Sealed with our seals, and dated at the  
day of                      A. D., 186

“The condition of this obligation is such, that if the above bounden A B shall at all times hereafter safely keep in good serviceable order and condition, and have ready to return when called for, by the commanding officer of the regiment, [*specifying the particular regiment to which such persons may belong*], one rifle, or [*specifying the arms and accoutrements which may have been received by such person*] which have been issued to him under the laws relating to the militia, and shall in all things perform the provisions of such laws touching such arms and accoutrements, then this obligation shall be void.

“Signed, sealed, and delivered }                      A B (L S).  
in presence of                      }                      C D (L S).”

118. The officer in charge shall lodge the arms and accoutrements in a suitable place, to be delivered to his subordinates as he shall order, and every recipient shall return such arms to the place of deposit within twenty-four hours after the performance of the service for which he received the same, if ordered, under a penalty of one dollar for every day's neglect; and shall produce his arms for monthly inspection under a penalty of one dollar for every day's neglect, and for staff and field officers inspection, on three days notice, under a penalty of two dollars. Arms—where deposited.  
  
Inspection.

119. Senior officers of corps shall be primarily responsible for arms and accoutrements delivered to them, for which they shall give a receipt or bond as required from head-quarters; Senior officers responsible for arms.

but on the demise or resignation of any senior officer, his next senior shall become responsible by virtue of his command, until he either declines the command or sends in his bond or receipt, and he shall be empowered to exercise his authority over all the subordinate bonds and issues of the command and bring actions thereupon.

Penalty for disposing of arms.

120. Every man who shall convey any arms, accoutrements, or uniform, being government property, out of the limits of his regiment, except when on duty, or shall dispose thereof, and any person who shall knowingly receive the same, shall forfeit one hundred dollars for every musket or rifle, and ten dollars for every article of dress and accoutrements; and every person who, without authority, shall convey any such arms, accoutrements, or uniform, on board of any vessel, to carry them out of the country; and any person who shall receive them for such purpose, and any person having illegal possession of any government property, or not being able satisfactorily to account for such possession, shall be liable to a fine not exceeding five hundred dollars, payable one-half to the informant and the other half to the use of the regiment; and in the event of inability to pay the fine, shall be imprisoned for a period not exceeding twelve months.

Illegal possession of government property.

Inspection of arms.

121. The colonel, when required by standing orders, or specially from headquarters, shall order inspections of the arms, accoutrements, and government property of his command, making a return of their condition.

Arms to be returned when required.

122. Whenever required, or before removing out of the limits of his company, every man shall return to the captain the arms and accoutrements he shall have received, in good serviceable condition, under a penalty of twenty dollars, and shall pay the whole value of the articles, in case of total loss, to the commanding officer.

Arms in unserviceable condition.

123. Should any man's arms or accoutrements be in a dirty or unserviceable condition, he shall be answerable in full for cleaning, repairs, and all expenses, through his commanding officer to headquarters.

Commanding officers liable for all arms.

124. Commanding officers shall be legally liable in full for the safety and condition of all arms as well as other public property given over to their charge, or that of their subordinates, irrespective of bonds or securities, and shall be entitled to a receipt from the quartermaster-general on re-delivery, and the receipts or records at headquarters shall be proof of possession, unless vouchers of re-delivery can be produced.

#### OF FINES, AND PROCEEDINGS FOR THEIR RECOVERY.

Limitation of action.

125. All actions for anything done, or authorized to be done, or personally incurred under this chapter, shall be commenced within six months after the cause of action arose, and shall in time of peace be deemed and conducted as ordinary

civil proceedings, subject to provisions of section 43 of this act, and the defendant may plead and give this chapter and the special matter in evidence.

126. All fines confirmed by boards of appeal, when not exceeding \$20, shall be recovered before one justice, and when above \$20, before two justices, who, upon the affidavit of the quartermaster, verifying the signature of the colonel or commanding officer, and on presentation to the justice or justices of the written proceedings of the board of appeal, approved of and signed by the colonel or commanding officer, shall immediately issue his or their warrant of distress for the recovery of the fines, as therein specified and imposed. The acts and decisions of the board of appeal shall be held and considered in all cases final and conclusive, according to section 43 of this act, and the amount may be levied, with costs of distress, and, for want of goods, the offender shall be committed to jail for twenty-four hours for every dollar of the penalty, and this commutation shall be applicable to all pecuniary dues or penalties under this act in time of peace; and justices may under this act charge twenty-five cents for each warrant issued according to the form hereinafter provided.

Fines—how recovered, levied, and commuted.

127. Militia fines incurred within the municipal jurisdiction of the city of Halifax shall be recoverable before one or two justices of the peace for the county, as in other parts of the Province. Parties committed to jail for non-payment of any fine under this act shall not be permitted the privilege of jail limits.

Fines in city of Halifax—how recovered.

128. All fines collected by the quartermaster shall be applied, under the direction of the colonel and officers, towards defraying the expenses of the regiment, including stationary and postage of regimental letters, not being to headquarters.

Fines—how applied.

129. An account of all fines, with their appropriation, shall be rendered to the office of the adjutant-general of militia, by the colonel, within three months after collection, under a penalty of twenty dollars for default.

Account of fines

130. All amounts voted for militia service shall be placed at the disposal of the Commander-in-chief, for the purpose of employing staff officers and drill sergeants, or specially examined and approved appointees belonging to the local forces; on the training and drilling of the militia and militia officers, and for the encouragement and maintenance of volunteer corps; for the storage and preservation of the arms furnished by the imperial government, and generally in such other services as may from time to time appear to the Commander-in-chief necessary for the effectual organization of the local forces.

Notes for militia service at disposal of Commander-in-chief.

131. Accounts, with vouchers, for all sums expended for the militia service, shall be rendered quarterly to the Financial Secretary, to be audited by him, and laid before the committee of public accounts.

Accounts, &c., rendered quarterly to Financial Secretary.

Commander-in-chief may cause ballot of militia.

132. The Commander-in-chief shall have power to cause a ballot to be made of the first class of militiamen in time of peace as well as in time of war, agreeably to the sections of this act, as is hereinafter mentioned and provided.

Definition of terms.

133. The following terms, used in this act, shall be construed thus: "Commanding officers," "colonel," or "lieutenant colonel," shall mean any officer, non-commissioned officer, or other person lawfully ordered, delegated, or put in command of any regiment, company, or squad, or smaller party of men, in permanent, temporary, or acting command, by his superior officer, whose authority he shall have during the continuance and until the performance of the required duty; "man," or "militiaman," shall mean any person enrolled in the militia; "year," unless the context and meaning be clearly to the contrary, shall mean from the first day of January to the last day of December; and "returns" shall mean all statistical information.

*Form of Magistrate's Warrant.*

Warrant.

"COUNTY OF \_\_\_\_\_

"To the County Constables or any of them :

"Whereas \_\_\_\_\_ has been fined by the Board of Appeal of the \_\_\_\_\_ Regiment of Nova Scotia Militia the sum of \_\_\_\_\_ for non-attendance at muster or drill [*as the case may be*], and has omitted to pay the said fine, after full notice requiring him so to do, you shall forthwith distrain the goods and chattels of the said \_\_\_\_\_ for the said sum of \_\_\_\_\_; and if within seven days after distress made the amount of the said fine and necessary charges be not paid you, you shall sell the goods and chattels so distrained upon, to satisfy the same; and for want of goods and chattels you shall arrest the said \_\_\_\_\_ and commit him to the County Jail, there to remain and be kept imprisoned one day for each dollar of the fine so due, and for which this shall be your sufficient warrant.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 ."

OF THE MILITIA IN TIME OF WAR.

Commanding officer in time of war.

Militia, when called out for actual service, subject to articles of war, mutiny act, &c.

134. The executive command, in time of war, is hereby vested in the officer commanding her Majesty's imperial forces in this Province. Whenever the militia shall be called out for actual service, in case of invasion, or imminent danger thereof, every officer and man, belonging to it, shall be subject from the time he has been ordered or drafted for actual service, to the officer commanding her Majesty's forces in this province, and to her Majesty's regulations for the army, to the articles of war, and to the act for punishing mutiny and desertion, and to all other laws there applicable to Her Majesty's troops in this province, except that no militiaman shall be subject to any corporal punishment, except death or imprisonment, for any

Not subject to corporal pun-

contravention of such laws; and except also that the Commander-in-chief may direct that any provisions of the said laws may not apply to the militia. No militiaman shall be flogged, except such punishment be commuted from the penalty of death.

ishment, except death or imprisonment.  
Flogging.

135. No militiaman shall be entitled to dismissal from duty, or discharge from service, when on the line of march, or before the enemy, notwithstanding the termination of any period of service, limited either by special agreement, or by this or any other act.

Dismissal.

136. When on actual service, the officers, non-commissioned officers, trumpeters, drummers, fifers, buglers, and privates, shall be entitled to the same pay, allowances, and rations, as her Majesty's regular troops, to be received from the day they march on actual service, until dismissed by competent authority; and at the time of their dismissal, they shall be allowed a number of days' pays to defray their expenses to their places of abode, according to their distances, at the rate of fifteen miles a day.

Pay, allowance, rations, &c., on actual service.

137. If any person, in actual service, be wounded or disabled, while on duty, he shall be supported out of the public funds of the province, as long as the disability shall continue.

Wounded, &c., how supported.

138. In case of the loss of any officer, or man, while on actual service, provision shall be made for his wife and family out of the public funds.

Death—provision for family.

139. When on the line of march, or escort duty, or any other service, or in camp, or quarters, the Governor in Council may make regulations for the billeting or rationing of the militia; such regulations to assimilate, as far as practicable, to similar regulations for her Majesty's other forces.

Billeting.

140. Captains of companies shall cause a ballot to be made of the first class for forming a roster, or list, whereby the men may be called into actual service in manner following:—

Ballot for actual service—how taken.

First.—Each name shall be written on a piece of paper, which shall be rolled up and put into a box or hat, and well mixed; all pieces of paper, so used, to be of equal size and rolled up in the same manner.

Second.—Pieces of paper, of the same size, rolled up in the same manner, to the extent of the number of men, shall be mixed together in another box or hat.

Third.—Two persons, nominated by the captains, shall publicly draw all the names alternately, numbering them from one upwards as drawn, and a consecutive list of the names and numbers shall be made as the former are drawn, which shall be a service roster, the first names drawn and numbered being first for service; artillery and cavalry shall be balloted for service rosters in like manner.

141. When the Commander-in-chief shall order any number of men for actual service, they shall be furnished, in as

Men for actual service—how furnished.

Man to find substitute, or penalty.

exact proportion as possible, to the number of effective men ; and every company, or troop, shall furnish its proportion from the first class, according to the roster ; and every man liable to serve, unless prevented by sickness, or other sufficient cause, shall go or find an approved substitute ; and in default, shall be liable to penalty of forty dollars ; and if the same shall not be paid, may, by the commanding officer, be imprisoned for three months, and the next man on the roster shall serve in his place, who shall have the whole of the fine, (if paid), and shall go or find a substitute ; but if he refuse, or neglect to go, he shall be liable to the same fine and imprisonment ; and the next man shall be called out, and he shall have the last mentioned fine, (if paid), if he, by himself, or a substitute, shall serve, and so on, as each case may happen ; but no man shall receive more than one fine, if paid.

Not liable to serve twice in four years until all effectives have served.

142. If any part of the company shall be called out oftener than once in four years, no man who had served shall be liable to serve again until all the available effective men shall have served personally or by substitute.

Place on roster on removal.

143. When any man shall remove from the limits of his company to any place within the limits of another company, he shall fall in on the roster immediately before the man who has drawn the same number.

Ability of men for duty to be ascertained. &c.

144. Upon calling out any of the militia into actual service, the Commander-in-chief may direct necessary measures to be adopted to ascertain the ability of every officer and man to perform his duty ; and if any man shall be found unable to serve, his place shall be supplied by the colonel ; and if such person shall be a substitute, the person in whose stead he is, or stands, shall procure another substitute, under the same penalty, as for refusing to go into actual service, or finding a substitute ; or if the man has been originally drafted for the regiment, the colonel shall take the next man drafted for actual service, in the same company, who shall go or find a substitute, under the same penalty.

Militia men drafted for war deemed enlisted

145. Militiamen drafted and notified by the commanding officer or captain, to serve in war, shall be deemed to be enlisted ; and any militiaman who shall not voluntarily appear at any appointed place within twenty miles of his abode, in person, or by substitute, within ninety-six hours, (any intervening Sunday, Christmas Day, or Good Friday, not included), shall be proceeded against, under the mutiny act, and articles of war, notwithstanding the non-receipt of enlistment money, and the fact of being drafted, shall, to all intents and purposes, be an enlistment within the meaning of the articles of war, with or without attestation or the formalities of enlistment practiced in her Majesty's regular forces ; and militiamen, or their substitutes, if absent, shall be prosecuted as deserters. Non-commissioned officers of militia shall return to the ranks on transfer or joining an embodied corps.

May be proceeded against under mutiny act for non-attendance.

146. The Commander-in-chief may order drafts to be selected, the names returned to him, and the men to be drilled and disciplined without calling them into actual service; and may select officers to command such men, and may direct the measures to be adopted, and make such orders as may be necessary for that purpose; but the number of days of battalion training shall not exceed fifteen in one year.

Commander-in-chief may select drafts.

Number of days training, &c.

147. When the Commander-in-chief shall order any number of men for actual service, from any regiment or battalion, they shall be drafted from the volunteer companies; and when such volunteer companies shall have been formed, they shall, in all cases, be considered the first class for actual service; and no draft shall be made from other than volunteer companies, until the whole of such companies have been called into actual service.

Volunteers first for actual service.

148. Whenever a proportion of the militia of Halifax shall be called into actual service, the colonel of the regiment to which clerks, storekeepers, mechanics, or laborers belong, who are employed in any department of the army and navy, may apportion the number of drafts which they ought to furnish, and procure substitutes in their places on the most reasonable terms, and the expenses shall be assessed on them in proportion to their daily pay by the colonel, with the assistance of two captains.

Substitutes for army and navy, clerks, &c.

Expenses, how assessed.

149. Every person assessed under the preceding section shall, on notice, pay the amount to the colonel, and on refusal, any justice of the peace, upon complaint of the commanding officer, may issue his warrant of distress upon the offender's goods, and sell the same; and for want of goods, may commit him to jail until the amount assessed be paid; but any such person may procure a substitute or serve personally, and may, on receiving due notice of the duty required of him, declare such intention, but shall serve until a substitute be procured.

Collection of assessment.

150. In any district exposed to attack by water, the Sessions, on presentment of the Grand Jury, may assess the sum necessary for providing armed boats for defence, to be under the direction of the commanding officer; and when no longer necessary, they may be disposed of by the Sessions.

Armed boats—how provided.

151. If, upon any emergency arising from invasion, made or threatened in this Province, or in the Province of New Brunswick, it shall be necessary to call any of the militia into actual service, the Commander-in-chief may order the colonel of any regiment to furnish one hundred men for every six hundred of the first class, or the like proportion for any greater or less number, such men to be furnished either from draft of the regiment or by volunteers.

Number of men to be called out for actual service.

152. The Commander-in-chief may select captains and subalterns to command the men furnished under the last section, and may form any of the men furnished by the different regiments into a regiment or battalion for actual service, and

Commander-in-chief may select officers, &c.

appoint field, staff, and other officers for the same; and order such regiment or battalion into barracks or camp, and adopt measures to render them efficient for actual service.

Volunteers for defence of New Brunswick.

153. The Commander-in-chief may accept the voluntary service of any of the embodied militia, for the defence of New Brunswick, against the common enemy.

Actual service.

154. In case of invasion made or threatened, the Commander-in-chief may call the militia into actual service, and may order any part thereof to march from one part of the Province to another.

In case of sudden attack commanding officer may call out militia of district, &c.

155. In case of any sudden attack made or threatened, when the Commander-in-chief cannot be immediately consulted, the commanding officer shall, if he thinks it necessary, call out the militia of his regimental district for active service; and if any invasion or attack shall be made or threatened, in any place where the officers commanding regiments in the county cannot be consulted, the militia may be called out by any officer on the spot, who shall forward a report to the Commander-in-chief, notifying the danger, and strength, and motives of the enemy; and such officer may impress men, horses, boats, and carriages, as the nature of the case may require, a reasonable compensation for which shall be made to the owners; and the Governor in Council, on the certificate of the commanding officer and any two captains, shall draw on the treasury for the amount.

Exorbitant demands.

156. Any demands under the last section considered exorbitant, may be arbitrated by the next grand or special sessions of the county.

Duties regulated by rosters.

157. When any part of the militia shall be called into active service, all duties, except in cases of great emergencies, shall be regulated by rosters.

Where several sons in family, one excused.

158. When there are two or more sons residing in the family of their father or mother, for one year preceding, who shall be liable to be ordered for service at the same time, under this act, one shall be excused, and the first on the list shall be called.

If son sole support of widow, &c., to be excused.

159. If any person, aged sixty years, or upwards, or any widow, shall have a son, grandson, or an apprentice, on whom solely he or she shall be dependant for support, living with him or her for twelve months preceding, he shall be exempt from being ordered for service, so long as he resides in the family and contributes to the support of the same.

Local duties—able-bodied men of second-class to form local reserve.

160. Local duties shall be equally distributed among able-bodied men of districts; the able-bodied men of the second class of the militia shall form a local reserve, under the directions of the Commander-in-chief, in war, when they may be organized, officered, trained and disciplined by him for service in the Province, and he may select the officers from the most effective ones on the unattached list, seniority of rank not giving any prior claim for employment, according to an alpha-



betical roster, to be kept by the captain of every company, and every person refusing to perform his term of duty shall be punished according to law.

161. When, by the directions of the Commander-in-chief, guards shall be kept so that the local duties performed by any one man shall exceed six days or nights in one year, the Commander-in-chief may pay every such man for the excess over that time, according to the rate in this act mentioned, upon certificate of the colonel. Guards.

162. Every person wilfully making a false alarm shall forfeit forty dollars. False alarm.

163. Chapter 29 of the Revised Statutes (third series) "Of the Militia," is repealed. Cap. 29 Revised Statutes, repealed.

## CHAPTER 17.

### An Act to amend the Acts relative to the Elective Franchise.

(Passed the 2nd day of May, A. D. 1865.)

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|---|---|
| <p>Preamble.</p> <ol style="list-style-type: none"> <li>1. In cases where act has not been complied with, Clerk of peace may summon special sessions.</li> <li>2. Majority of justices shall divide county or districts into revisal sections; appoint revisors. Powers, duties, &amp;c.</li> <li>3. Revisors and assessors to be notified.</li> <li>4. Assessors to furnish copy of roll.</li> <li>5. Time within which revisors meet to comply with provisions of act.</li> <li>6. Notice required by 20th section to be given six days before meeting.</li> <li>7. Revisors shall perform duty required by section 21, within fifty days.</li> </ol> | <ol style="list-style-type: none"> <li>8. Time within which sheriffs shall discharge duties of sections 25 and 26.</li> <li>9. Neglect of Revisors, &amp;c. to perform duty shall not vitiate proceedings. Officers shall perform duty without delay.</li> <li>10. Penalty if clerk of peace shall neglect duty.</li> <li>11. Penalties the same as under first named act.</li> <li>12. Manner of conducting elections where provisions of law not carried out.</li> <li>13. Victoria County, proceedings at March sessions.</li> </ol> |
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Whereas, in some of the Counties and Districts of this Province the provisions of Chapter 28 of the acts of 1863, entitled "An Act to regulate the Election of Members to serve in the General Assembly," and of Chapter 20 of the acts of 1864, entitled "An Act concerning the Election of Representatives to serve in General Assembly," have been omitted or neglected; and whereas great mischief may arise, unless some remedy therefor be provided,—

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. In any county or district where such provisions have not been complied with, so far as regards the division of the county or district into revisal sections, and the appointment of the revisors therefor, it shall be the duty of the clerk of the peace, forthwith after the passing of this act, to summon, by handbills posted up for at least one week, in at least five public places of the county or district, a special sessions of the peace, for the purpose of supplying such omission or neglect. In cases where act has not been complied with, clerk of peace may summon special sessions.

Majority of justices shall divide county or district into revisal sections; appoint revisors

Powers, duties, &c.

Revisors and assessors to be notified.

Assessors to furnish copy of roll.

Time within which revisors must comply with provisions of act.

Notice required by sec. 20 to be given six days before meeting.

Revisors shall perform duty required by sec. 21 within fifty days.

Time within which sheriff shall discharge duties of sects. 25 and 26.

Neglect of revisors, &c. to perform duty shall not vitiate proceedings.

2. The majority of the justices present at any meeting convened as aforesaid, shall divide the county or district into revisal sections, as prescribed by the fourteenth section of the act herein first above recited, and shall appoint three revisors for each such section, which revisors so appointed shall have the same powers, and be liable to the same duties and obligations as if nominated by the grand jury, and appointed by the sessions, agreeably to the provisions of the said section.

3. Immediately thereafter the clerk of the peace shall notify the persons, so appointed as revisors, of their appointment, and of the districts to which their appointment extends, and also notify the assessors of the polling districts within each revised section to furnish the revisors with a copy of the assessment roll, as prescribed by the seventeenth section of the said act hereinbefore first recited.

4. The assessors shall, within ten days after the holding of such special sessions, furnish such copy of roll as prescribed by said section.

5. The revisors shall, within twenty days after their appointment as aforesaid, select and prepare the lists specified and prescribed by the eighteenth section of said first recited act, and comply with the other provisions of the said section, making the time for holding their meeting not more than forty days after their appointment as aforesaid; and they shall give the notice prescribed in the nineteenth section of said act, and comply with the provisions thereof, within thirty days of their appointment, as aforesaid.

6. Any notice to strike off a name, as provided in the twentieth section of the said act, shall be given, as prescribed by said section, at least five days before the day appointed for the meeting.

7. The revisors shall at such meeting proceed as prescribed by the twenty-first section of said act, and shall transmit their list, prescribed by such section, to the clerk of the peace, within fifty days after their appointment as aforesaid.

8. The sheriff of the county shall, at the expiration of sixty days after the holding of such court of special sessions, attend at the office of the clerk of the peace, and discharge the duties prescribed by the twenty-fifth and twenty-sixth sections of said act; and upon the depositing of the list under the twenty-sixth section, the same shall thereupon be the register of electors for the county or district.

9. In case it may have happened that in any county or district the division of the same into revisal sections, and the appointment of revisors, may have been duly made, but any of the steps required to be taken by any of the officers upon whom, under the said acts, or either of them, duties may devolve, have not been taken within the time expressed by the said acts, or either of them, any such defect shall not vitiate the proceedings; but it shall be the duty of any such officer,

notwithstanding the lapse of time, to proceed without delay to the discharge of the duties imposed upon him; and, in such case, any notice prescribed by such act, or any steps to be taken thereunder, shall as far as possible be conformed to such act, and vary so far only as to give to each officer or person upon whom any duty devolves, as near as possible, as much time for the performance of such duties as he would have had if the said act had been literally complied with.

Officers shall perform duty without delay.

10. Any clerk of the peace neglecting to perform any duty imposed upon him under this act shall forfeit the sum of one thousand dollars, to be recovered from him by any person who shall sue therefor.

Penalty if clerk of peace shall neglect duty.

11. Any assessor, revisor, clerk of the peace, sheriff's officer, or other person whomsoever, upon whom under this act any duty devolves, shall be liable to the same obligations, penalties, and forfeitures for any act done, or any neglect or omission hereunder, as if the same had been done or neglected under the said first named act.

Penalties the same as under first named act.

12. In any election to be held for any county or district wherein no register of elections shall have been signed by the sheriff, and filed as prescribed by this act or the acts herein before recited, or any of them, the assessment rolls for the county or district for the year last preceding the election shall be the register of electors at such election; and no person shall be entitled to vote thereat who under such rolls shall not have the qualifications required and prescribed by said act.

Manner of conducting elections where provisions of law not carried out.

13. In case the grand jury and sessions of the county of Victoria shall, at their session in the month of March preceding the passing of this act, have divided the said county into revisal sections, and appointed revisors therein, such division and appointment shall be considered as if made under this act, and all the subsequent proceedings shall be conducted under the provisions of this act, substituting the date of the passing of this act for the date of the holding of the special session.

Victoria county proceedings at March sessions.

## CHAPTER 18.

An Act to amend Chapter 105 of the Revised Statutes, "Of Stray Horses and Cattle."

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The sessions of any county may make regulations for preventing or regulating the going at large of horses, cattle, or sheep, and may affix penalties for the breach of any such regulations, not to exceed ten dollars.

Sessions may make regulations, and affix penalties.

## CHAPTER 19.

## An Act to authorize the acceptance of certain Incorporated Companies as Sureties for Public Officers.

(Passed the 2nd day of May, A. D. 1865.)

1. Governor in Council may accept security of incorporated company, &c. | 2. Such securities may be accepted from other than public officers.

Preamble.

Whereas, it has been represented that certain incorporated and joint stock companies, of which the European Assurance Society hereinafter mentioned is one, are empowered to become the sureties of public officers in certain cases, and whereas the collection or enforcing of bonds forfeited to the crown from private parties is often difficult, and sometimes impossible,—

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

Governor in Council may accept security of incorporated company, &c.

1. The Governor may by order in Council direct that whenever any public officer is required to give security for the due fulfilment of his duty, or of any obligation undertaken towards the crown, the bond or policy of guarantee of the European Assurance Society, mentioned in the imperial act twenty-second Victoria, chapter twenty-five, or of any incorporated or joint stock company incorporated and empowered for like purposes, named by such order in council, may be accepted as such security, upon such terms as shall be determined by the Governor in Council.

Such securities may be accepted from other than public officers.

2. Notwithstanding anything in any act of the legislature of this Province, passed with respect to savings banks, benevolent societies, building societies, or to any incorporated bank, insurance company, municipal or other corporation, the bonds or policies of guarantees of the said European Assurance Society, or of any incorporated or joint stock company, formed and empowered for like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of such institution or corporation, in all such cases where, by the provisions of such act, or of any bye-law or rule of such institution or corporation, such officer or servant is required to give security, either by himself or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of the said European Assurance Society or other like company, and approve the terms and conditions thereof; and all the provisions in any such act relating to such security to be given by any such officer or servant or his sureties shall apply to the bonds and policies of guarantee of the said European Assurance Society, or any other such like company, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled.

## CHAPTER 20.

## An Act to amend Chapter 96 of the Revised Statutes, "Of the Encouragement of Agriculture."

(Passed the 18th day of April, A. D. 1865.)

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| 1. Five members a quorum.                | 4. Rules and Bye Laws.                     |
| 2. Members of Central Board—how elected. | 5. Inconsistent parts of chapter repealed. |
| 3. Board may draw from Treasury, \$4000. |  |

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Five members of the Board of Agriculture shall be a quorum for the transaction of business. Five members a quorum.

2. The officers of the several societies, elected at the annual December meetings in each of the five rural districts, shall then nominate one person to be a member of the Central Board in place of the member for such district who may go out; the secretary of the society shall forthwith transmit to the secretary of the Central Board the name of the person nominated, and the person nominated by the greatest number of societies in the district, shall be a member of the Board in place of the retiring members. Members of Central Board—how elected.

3. In addition to the sum mentioned in section 12, the Board shall be entitled to draw from the treasury annually, such further sum, not exceeding four thousand dollars, as the Governor in Council may authorize, from which shall be paid to the several societies by order from its President on the treasurer of the Board, the amount it may be entitled to receive, in proportion to the sum annually raised by subscription and payment, which sum shall be certified by the oath of the secretary of the society. Board may draw from Treasury \$4000.

4. The rules and bye-laws of any society shall not be repealed or altered without the consent of a majority of the members present at a general meeting. Rules and Bye Laws.

5. So much of this chapter as is inconsistent with this act, is hereby repealed. Inconsistent parts of chapter repealed.

## CHAPTER 21.

## An Act to provide a Salary for the Private Secretary of the Lieutenant Governor.

(Passed the 18th day of April, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Private Secretary of the Lieutenant Governor, for the time being, of this province, shall be entitled to draw as his salary annually, from the Provincial Treasury, in equal quarterly instalments, the sum of twelve hundred and fifty dollars. The Governor's Private Secretary to receive \$1250 a year.

JP-475

## CHAPTER 22.

An Act to continue and amend Chapter 8 of the Revised Statutes, "Of Customs Duties."

(Passed the 31st day of March, A. D. 1865.)

1. Chapter 8 of the Revised Statutes, with amendments, continued to April 1st, 1866.
2. Marine Steam Engines exempted.

Be it enacted by the Governor, Council, and Assembly, as follows :

Cap. 8 Revised Statutes, with amendments, continued to April 1, 1866. Marine Steam Engines exempted.

1. Chapter 8 of the Revised Statutes, "Of Customs Duties," except as hereinafter amended, is continued in force until the first day of April one thousand eight hundred and sixty-six.
  2. Marine Steam Engines shall be added to the table of exemptions.
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## CHAPTER 23.

An Act to continue Chapter 9 of the Revised Statutes, "Of Excise Duties."

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

Cap. 9 Revised Statutes, continued until 1st day of April, 1866.

1. Chapter 9 of the Revised Statutes, "Of Excise Duties," is hereby continued in force until the first day of April in the year one thousand eight hundred and sixty-six.
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## CHAPTER 24.

An Act to continue Chapter 18 of the Revised Statutes, "Of Light House Duties."

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

Cap. 18 Revised Statutes continued till 1st April, 1866.

1. Chapter 18 of the Revised Statutes "Of Light House Duties," is hereby continued in force until the first day of April in the year one thousand eight hundred and sixty-six.

## CHAPTER 25.

An Act to add an Electoral District in the Western Division of the County of Halifax.

(Passed the 31st day of March, A. D. 1865.)

1. Limits of Electoral District No. 34. Polling place.
2. Chapter 10, Acts of 1863, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The district comprised within the following limits shall be a separate polling district in the Western Division of the county of Halifax, to be designated Number Thirty-four, to include the settlements lying between the western line of district Number Nine, and a line drawn from a point on the south-western line of district Number Thirteen, equidistant from the head of Prospect Basin and Terence Bay, to run southerly into the sea and passing the eastern side of Hern's Island; this description to comprehend Lower Prospect and its islands, Terence Bay, and Terence Bay river, with its islands; and the polling place to be at or near the residence of Samuel Blackburn, senior.

Limits of Electoral District No. 34.

Polling place.

2. Chapter 10 of the Acts of 1863, entitled "An Act to add an Electoral District in the Western Division of the County of Halifax," is hereby repealed.

Cap. 10, Acts of 1863, repealed

## CHAPTER 26.

An Act to add an Electoral District in the Eastern Division of the County of Halifax.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Little River, in Musquodoboit, within the limits of the present school section, shall be a separate polling district, to be hereafter called Polling District No. 35.

District No. 35 defined.

## CHAPTER 27.

An Act to postpone the ensuing Spring Sittings of the Supreme Court at Halifax.

(Passed the 18th day of April, A. D. 1865.)

1. Spring sittings at Halifax—when held.
2. List of causes—when put in.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The ensuing spring sittings of the Supreme Court at Halifax shall commence on the first Tuesday of May, instead

Spring sittings at Halifax—when held.

of on the fourth Tuesday of April, and shall continue for three weeks if the business of the Court shall require such continuance; and the presiding Judge is authorized to extend such sittings for a further period of three days, if such extension shall be deemed necessary, and for such further time as may be requisite in consequence of any trial being protracted beyond such extension; and all matters and proceedings pending, or to be had therein, shall be had and proceeded with; and all jurors, officers, witnesses, and parties bound to appear thereat, by writ, recognizance, or otherwise, shall appear and attend on the first Tuesday of May, instead of on the fourth Tuesday of April.

List of causes—  
when put in.

2. The lists of jury causes for trial at such sittings shall be given in to the Prothonotary on or before the Tuesday preceding the first Tuesday of May.

## CHAPTER 28.

An Act to amend and in addition to Chapter 58 of the Revised Statutes (third series), "Of Public Instruction," and to ratify and confirm proceedings thereunder.

(Passed the 18th day of April, A. D. 1865.)

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| <p>Preamble.</p> <ol style="list-style-type: none"> <li>1. In sections with no School, Inspector may call meeting in May to appoint Trustees.</li> <li>2. Three Trustees may be appointed at that or adjourned meeting.</li> <li>3. Proceedings where meetings decide on assessment. When subscription is adopted, assessment not to be resorted to.</li> <li>4. Penalty where Trustees refuse to act.</li> <li>5. Trustees on vote of meeting, may borrow money for School Houses, &amp;c. Money to be a charge on section.—How levied and collected.</li> <li>6. Where money provided heretofore for schools is insufficient, Trustees may assess for required amount.</li> <li>7. Trustees may assess and collect in sections where assessment or subscription was decided on, but not made.</li> <li>8. Future assessments under amended chapter to be made under Sec. 3 of this act.</li> <li>9. Duties of Trustees.</li> </ol> | <ol style="list-style-type: none"> <li>10. Trustees may co-operate with Trustees of Institutions receiving separate grants.</li> <li>11. Trustees may admit to school pupils from other sections.</li> <li>12. Trustees may suspend or expel pupils. May suspend or dismiss Teacher.</li> <li>13. Vacancies in Board of Trustees—how filled.</li> <li>14. Examiners to Normal School may grant Licenses.</li> <li>15. Commissioners may appropriate a portion of public grant for current year to poor sections for School Houses. Remainder—how distributed.</li> <li>16. Former proceedings ratified and confirmed.</li> <li>17. Preceding section limited to residents of section.</li> <li>18. Incorporated and Joint Stock Companies may be assessed.</li> <li>19. Commissioners for Queens and Colchester and division of grant confirmed.</li> <li>20. Boundaries of sections confirmed and how changed.</li> </ol> |
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Preamble.

Whereas, in a large number of school sections no suitable provision for the support of a school has been made under the said chapter, and the time for doing so thereunder has passed,  
Be it therefore enacted by the Governor, Council, and Assembly, as follows :



1. In any section where no school has been established under the chapter hereby amended, and where no such school is then in operation, or the trustees have failed to carry out the decision of the public meeting, the inspector shall, in the month of May next, call a meeting of the inhabitants qualified to vote, at a time and place to be named in a notice therefor, to be posted up at least three days previously, in three or more public places in the section, to appoint trustees of said sections, and to adopt all necessary measures for the support of the school, under the said chapter and this act.

In sections with no school, Inspector may call meeting in May to appoint Trustees.

2. Three trustees may be appointed at the said or an adjourned meeting for the section.

Three Trustees may be appointed at that or adjourned meeting.

3. If either of the said meetings shall decide, under the terms and provisions of the said chapter, to support, by assessment, one or more schools for the remaining portion of the school year, not to be less than five months, or in thinly populated sections three months, or for the purchase, building, renting, or repairing of school houses, or for the purchase of lands whereon to erect school houses, the trustees shall forthwith assess the amount on the residents of the section by an equal rate, under the provisions of section 26 of said chapter, but according to the assessment roll made in the year 1864, and which shall be collected by the secretary of the trustees, or under his direction, by a warrant signed by at least two of the trustees, and under the provisions of said section 26 of said chapter; but where subscription shall be adopted as the means of support, assessment shall not be resorted to where the subscription fails.

Proceedings where meetings decide on assessment.

4. Any person elected or appointed a trustee or collector, not being a commissioner of schools, who shall not act, or, having accepted office, shall not perform the duties thereof, shall for every such offence forfeit the sum of twenty dollars, to be collected by any rate-payer in the section who shall sue for the same in his own name, and in the same manner as if it were a private debt, two thirds of said sum to be paid to the inspector, and applied by him for school purposes in the section, and the remaining third to the person who shall sue for the penalty.

When subscription is adopted, assessment not to be resorted to

Penalty where Trustees refuse to act.

5. Trustees shall have power, on the vote and by direction of the meeting, to borrow any money authorized by the meeting for the purchase or improvement of grounds for school purposes, and for the purchase, building, renting, or repairing of school houses; and the same shall be a charge upon the inhabitants of the section, and be raised by assessment, and levied and collected by not more than five equal annual instalments. And in cases where sums, since the passing of said chapter, have already been collected for any of the purposes aforesaid, the trustees may return the persons who have so paid, the difference between the amount so paid and the proportion of the first annual instalment which any such person would be liable to pay, or to pay any such person interest thereon, until the said instalments shall severally fall due.

Trustees on vote of meeting may borrow money for school houses, &c.

Money to be a charge on section.

How levied and collected.

Where money provided heretofore for schools is insufficient, Trustees may assess for required amount.

6. In any section where previous to the passage of this act the amount provided, either by subscription or assessment, for the support of the school or schools therein for the current year, or for the purchase of land whereon to erect school houses, or for the purchasing, building, renting, or repairing of school houses, is insufficient for all, or either, or any of the required purposes, the trustees, with the approval of the inspector, shall have power to supplement the amount assessed or subscribed therefor, by an assessment on the inhabitants of the section.

Trustees may assess and collect in sections where assessment or subscription was decided on, but not made.

7. In cases where, at meetings under the said chapter, provision has been made for the support of schools, or for any other of the purposes in the next preceding section mentioned, by assessment, and the assessment has not been made, or the subscription has failed, the trustees shall have power to assess and collect the amount thereof under the terms and provisions of section three of this act. But this section, as regards assessment for the support of schools, shall only apply to cases where schools have been established and put into operation.

Future assessments, under amended chapter, to be made under sec. 3 of this act.

8. All future assessments, under the chapter hereby amended, for the support of schools, or for the purchase of lands, or for the purchase, erection, or repairing of school houses, shall be made, levied, and collected under the provision of the third section of this act, and such assessment shall be made on the assessment-roll last made up before the meeting authorizing the same; and where subscription shall be adopted by any meeting as the means of support, assessment shall in no case be resorted to.

Duties of Trustees.

9. It shall be the duty of trustees, in addition to the duties imposed by the said chapter,—

(1.) To determine the sites of school houses, subject to the sanction of the three nearest commissioners residing out of the section.

(2.) To provide school accommodation where authorized, and school privileges free of charge, for all persons resident in the section five years of age and upwards, who may wish to attend school,—such accommodation to be provided, as far as possible, in accordance with the following:

(3.) For any section having fifty pupils or under, a house, with comfortable sittings for the same, with one teacher.

(4.) For any section having from fifty to eighty pupils, a house, with comfortable sittings for the same, and a good classroom, with one teacher and an assistant.

(5.) For any section having from eighty to one hundred pupils, a house, with comfortable sittings for the same, and two good class-rooms, with one teacher and two assistants;

Or, a house having two apartments, an elementary and a preparatory, with two teachers;

Or, if preferred, two houses in different parts of the section, with a teacher in each, one being devoted to the younger chil-

dren, or elementary department, and the other to the more advanced or preparatory department.

(6.) For any section having from one hundred to one hundred and fifty pupils, a house with two adequate apartments, an elementary and a preparatory, and a good class-room accessible to both, with two teachers and, if necessary, an assistant;

Or, if the section be long and narrow, three houses may be provided, two elementary and one preparatory,—the former being located towards the extremes of the section, and the latter at or near the centre.

(7.) For any section having from one hundred and fifty to two hundred pupils, a house with three apartments, an elementary, a preparatory, and a high school, and at least one good class-room common to the two latter, with three teachers and, if necessary, an assistant;

Or, if preferred, separate houses may be provided for the different departments, in different parts of the section.

(8.) And generally, for any section having two hundred pupils and upwards, a house or houses with sufficient accommodations for different grades of elementary and preparatory schools, so that in sections having six hundred pupils and upwards the ratios of pupils in the elementary, preparatory, and high school departments shall be respectively about eight, three, and one.

(9.) To regulate, by the aid of teachers or otherwise, the attendance of pupils in the several departments, according to their attainments.

(10.) To take due care of the library books of the section, and manage the same in conformity with the regulations of the council.

10. It shall be lawful for the trustees of any section wherein are located academical or other institutions receiving separate grants from the public revenue, to co-operate with an equal number of persons, chosen by the governing body of such institutions, in order that the section may secure the educational advantages supplied by such. Such combined board of trustees to manage the school or schools, as the case may be, in accordance with the provisions of this act.

Trustees may co-operate with Trustees of Institutions receiving separate grants.

11. The trustees of any section may, in their discretion, admit to school privileges pupils from other sections; and if the trustees shall deem it necessary, they may exact from such pupils a fee not exceeding the average cost per pupil to the section.

Trustees may admit to school pupils from other sections.

12. Trustees shall have power to suspend or expel any pupil from school who is persistently disobedient to the teacher, or addicted to any vice likely to injuriously affect the character of other pupils, until there shall be indications of reform; and they shall also have power to suspend or dismiss any teacher for gross neglect of duty, or immorality; and they shall immediately acquaint one of the commissioners of the

Trustees may suspend or expel pupils.

May suspend or dismiss teacher.

fact, and also forward a statement of their proceedings to the superintendent; and the pay of any such teacher shall thereupon cease, unless otherwise ordered by the board of commissioners, upon the appeal of the teacher.

Vacancies in Board of Trustees—how filled.

13. Trustees may call special meetings of the section, to fill vacancies in the board of trustees, and to transact any necessary business other than that specially required to be done at their annual meeting.

Examiners to Normal School may grant licenses.

14. The examiners to the Provincial Normal School shall have power to grant licenses to qualify teachers, as fully as if qualified under section thirty-two of said chapter.

Commissioners may appropriate a portion of public grant for current year to poor sections for school houses.

15. The commissioners shall, out of the grant for each half of the current year, appropriate, upon the recommendation of the inspector, such portions of the provincial grant as they may deem proper, to aid poor sections in providing school houses; and they shall distribute the remainder to such schools as have complied with the law, according to the class of the teacher's license; provided that the commissioners may, in their discretion, on the recommendation of the inspector, give a proportion of the provincial grant to the teacher of any efficient school kept during any part of the six months ending on the first day of May, or of any part of the subsequent six months, kept in fulfilment of the terms heretofore agreed upon, under and by virtue of a written contract made and signed by the parties, though such schools may not have been kept under the act of 1864.

Remainder—how distributed

Former proceedings ratified and confirmed.

16. Whenever any meeting or adjourned meeting has taken place, at which a majority of the rate payers present have decided to raise funds for the support of schools, for the purchase of buildings, and erecting and repairing of school houses, by assessments or subscriptions, such meetings, and all proceedings, appointments, and elections made thereat, and all assessments authorized thereby and made under the authority of trustees appointed at such meetings, whether made on the rate-rolls of the year 1863 or 1864, and all other meetings, appointments, and elections held to carry into effect the said act, are hereby ratified and confirmed, though the provisions of the said act may not in all respects have been complied with, and the meetings may not have been called or taken place at the time and in the manner directed by the said act; but this section, as regards assessment for the support of the school, shall only apply to cases where schools have been established and put into operation.

Preceding section limited to residents of section.

17. The preceding section shall not apply to assessments made upon persons not resident within the section at the time of such assessment, or upon persons otherwise not liable to assessment.

Incorporated and Joint Stock Companies may be assessed.

18. Incorporated and joint stock companies doing business in any section, and owning property on the assessment roll of the county, shall be deemed inhabitants under section 26 of

the chapter hereby amended, and shall be liable to assessment for the support of the schools of the section.

19. The appointment of boards of commissioners for the district of North Queens and of South Queens and of Colchester and Sterling, and the division of the school money of the counties of Queens and Colchester among those districts respectively, as now made, and all proceedings consequent thereon, are confirmed.

Commissioners for Queens and Colchester and division of grant confirmed.

20. The existing boundaries of school sections, as laid out and sanctioned by the council of public instruction, are confirmed, and shall so continue until altered, under the provisions of the chapter hereby amended, or any subsequent act.

Boundaries of sections confirmed and how changed.

## CHAPTER 29.

### An Act for the better Encouragement of Education.

(Passed the 2nd day of May, A. D. 1865.)

1. Definition of Terms.
2. Council of Public Instruction—how formed.
3. Superintendent of Education.
4. Principal of Normal and Model Schools—salary, &c.
5. Commissioners.
6. Council of Public Instruction—powers of. Normal School. Chairman of District Examiners. Appointment of Inspectors. Regulations for drawing money, &c. Meeting of School Boards. Make rules to guide School Boards. To regulate Holidays, &c. To prescribe Text Books, &c. School Registers. To determine appeals from Commissioners. To make regulations for Academies and Superior Schools. To arrange for separate apartments. To provide for exigencies arising under this Act. To draw grant for School Libraries. Grant conditional. To draw Public Grant for District Examiners, &c. To draw grant for School Books, &c.
7. Superintendent; salary: contingencies. Duties of. To have supervision of Inspectors and Schools. To enforce this Act. To promote County Academies, &c. To hold meetings. To report qualifications of Teachers. To inspect County Academies & Schools. To prepare instructions, blanks, &c. To distribute books, &c. To issue Educational Journal. To make annual report.
8. Commissioners—meetings of. Special meetings.
9. District Examiners—how appointed.
10. Returns—when to be lodged at Inspector's office.
11. Commissioners to receive Inspector's report. Approval or disapproval to be endorsed on return. Money—how granted to itinerant teachers.
12. Provincial Grant and sum raised by County Assessment—how divided.—County Fund—how drawn.
13. Certificates of distribution.
14. Powers of Commissioners: To alter sections. Mode of. Limitation. To declare School Houses unfit. Penalty on sections for neglect. To withhold Provincial Grant in certain cases. To settle disputes between Trustees and Teachers. To cancel or suspend Teachers' License. And to report to Superintendent. To appoint Trustees in certain cases.
15. Commissioners may hold real estate in trust. Restriction.
16. District Examiners—meetings of.
17. Duty of: To examine Teachers and grant licenses. Discretionary power. To grant certificates to teachers wishing to attend Normal School. To report names of those to whom licenses have been granted.
18. Inspectors—amount of commission, &c. Duty of: To act as Clerk of School Board. To draw the Provincial grant and distribute it. Shall give Bonds. Shall keep record of School Sections. Inspection of Schools. Shall aid Teachers with necessary information, &c. Half-yearly reports on superior schools. Statistics of Poor Sections and Border Sections. Have charge

- of Books, Maps, Apparatus, &c.— Shall appoint place in each District for returns. Blank forms. School Houses and grounds. Fines. Public meetings. Uniform system of Education. Half-yearly return— nature of. Yearly report.
19. Provincial Grant for County Academies. How applied. For superior schools. Amount: when not drawn to aid poor sections. For support of Common Schools.
  20. County assessment. Lunenburg. How collected and disbursed. When Counties are divided into Districts.
  21. Provincial Grant: amount raised by assessment—how drawn and applied.
  22. Local amount to be raised by subscription. Schools must be free.
  23. Sum voted for School Houses, &c., to be charge on Section. How levied and collected.
  24. Corporate property liable to sectional assessment.
  25. Annual school meeting—when held.— Notice.
  26. Meeting—how organized. Rate-payers to decide amount to be raised by section.
  27. Right to vote may be challenged. Declaration. Penalty for false declaration.
  28. Board of Trustees in each Section.
  29. Trustees—how elected. How to retire. Vacancies—how filled.
  30. Proceedings when meetings fail to elect Trustees or fill vacancies.
  31. Penalty for refusing to act.
  32. Trustees may co-operate with Trustees of Institutions receiving separate grants.
  33. May admit to school pupils from other sections.
  34. Trustees to be body corporate.
  35. Duties of Trustees. To meet and organize. To hold School Property. To lease or rent lands. To fix sites of School Houses. To provide school accommodation, as follows:
    36. Trustees shall regulate attendance of pupils in several Departments.
    37. Shall regulate attendance when Council permits separate Departments.
    38. Trustees' further duties. Shall employ Teachers. Give notice of opening of schools. To furnish Town Clerk or Clerk of Peace with list of rateable inhabitants of Section. To provide for erection of School Houses. To visit schools. May suspend or expel pupils. Health of school. May call special meetings. Annual report.— School returns. A return for each Department to be forwarded by a certain day. Return of Border Sections. Penalty for false return.
  39. May suspend or dismiss Teachers. Notification of same. Pay of such Teachers.
  40. Secretary to Trustees shall give Bond.
  41. Salary.
  42. Secretary—duties of: Keep the accounts, &c. Keep School Houses in repair. To distribute School Books. To supply Teachers with copies of School Registers. To keep record of Maps, &c. To give Teacher inventory of School Property. To take charge Library Books, &c.
  43. Provincial Grant. Relative amount to Teachers of different classes. Licensed Assistants.
  44. To receive portion of grant, Teacher must be licensed. Duty of Teachers. Not to establish schools without agreement with Trustees. To teach efficiently, &c. To call roll and keep register, &c. To co-operate with Trustees. To inculcate principles of Christian morality. To have special regard to health and comfort of pupils. To have special care of books, &c. To remunerate Trustees for destruction of School Property. To hold public examinations. To give notice of School Meetings. To furnish general school information. To certify correctness of returns.
  45. Visitors of schools.
  46. Bounds of Sections—how determined in law.
  47. Exemptions of Superintendent. Teachers.
  48. Commencement of school year. Act shall come into operation 16th Oct., 1865. Distribution of moneys in November, 1865. Proceedings under Act of 1864, confirmed. Chairman of Boards—when elected.
  49. City of Halifax: management of schools City one Section: Commissioners—how appointed, and powers thereof. Commissioners to provide school accommodation. Commissioners may co-operate with Governors of Established Schools. All Public Schools to be Free. City assessed to perform duties of Clerk of Peace. Amount required beyond Provincial Grant to be assessed and collected on city rate roll. Manner of raising money for School Houses, lands, &c. Commissioners may select sites and borrow money for school houses. Commissioners may issue debentures. Title to school property vested in Commissioners. Chairman—how appointed. Secretary. Pupils of one Ward entitled to privileges of any other.
  50. Trustees and Commissioners may insure School Houses.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The following terms used in this act shall mean as herein defined: Definition of Terms.

(1.) "Section." That portion of territory the school or schools of which may be presided over by a Board of Trustees.

(2.) "Border section." A section embracing portions of two or more districts.

(3.) "District." That portion of territory the schools of which may be under the general supervision of a Board of Commissioners, except where the context shall exclude such definition.

(4.) "Rate-payer." Any resident of a section rated in respect of real or personal property in the county rate-roll.

2. The members of the Executive Council shall form a Council of Public Instruction, five of whom shall be a quorum. Council of Public Instruction, how formed.

3. The Governor in Council shall have power to appoint a Provincial Superintendent of Education, who shall also be secretary to the Council of Public Instruction. Superintendent of Education.

4. The Governor in Council shall have power to appoint a Principal of the Normal and Model Schools, at a salary not exceeding twelve hundred dollars per annum, who shall appoint such assistants, with the approval of the Council of Public Instruction, as may be found necessary. Principal of Normal and Model Schools; salary, &c.

5. The Governor in Council shall have power to appoint seven or more commissioners for each district named in the annexed schedule A, who shall form a Board of School Commissioners, of whom five shall be a quorum. Commissioners.

#### COUNCIL OF PUBLIC INSTRUCTION.

6. The Council of Public Instruction shall have power—

(1.) To make regulations for the conduct of the Normal School, prescribe the conditions of admission and graduation of pupil teachers, and appoint Provincial Examiners to examine the same at the completion of each term, for the purpose of awarding certificates to those found qualified; said Provincial Examiners to receive three dollars each per diem while actually engaged in the work of examination, and necessary travelling expenses to and from Truro; and also an Examiner for each district in the Province, who shall be Chairman of the Committee of District Examiners. Council of Public Instruction—powers of.  
Normal School.  
Chairman of District Examiners.

(2.) To appoint, upon the recommendation of the Superintendent of Education, an inspector of schools for each county of the Province. Appointment of Inspectors.

(3.) To prepare and publish regulations under which moneys may be drawn and expended, and teachers classified. Regulations for drawing money, &c.

(4.) To fix the time of the semi-annual meeting of each Board of School Commissioners, and call special meetings of any Board when deemed necessary. Meeting of School Boards.

Make rules to guide School Boards.

(5.) To make such regulations for the guidance of school Boards as may seem best fitted to secure uniformity in their proceedings.

To regulate holidays, &c.

(6.) To regulate the time in session holidays and vacations of all public schools.

To prescribe text-books, &c.

(7.) To prescribe, with the concurrence of the Superintendent, suitable text-books and apparatus for all public schools, proper books for school libraries, and plans for school houses.

School registers

(8.) To prescribe the form of school registers for all public schools.

To determine appeals from Commissioners.

(9.) To determine all cases of appeal from the decision of Commissioners, District Examiners, and Trustees, and make such orders thereon as may be required.

To make regulations for Academies and Superior Schools.

(10.) To make regulations for constructing, locating, and controlling County Academies and Superior Schools, and to authorize the payment of provincial grants to the same.

To arrange for separate apartments.

(11.) To receive the recommendation of any inspector for separate apartments or buildings in any section, for the different sexes or different colors, and make such decisions thereon as they shall deem proper.

To provide for exigencies arising under this act.

(12.) To make any provisions, not inconsistent with this act, that may be necessary to meet exigencies occurring under its operation.

To draw grant for school libraries.

Grant conditional.

(13.) To draw from the treasury a sum not exceeding sixteen hundred dollars, for the establishment of school libraries, on the condition that any section raise a sum equal to the amount sought from the Council (consideration being given to poor sections); the books to be selected from a general catalogue authorized by the Council, and the libraries to be managed under uniform regulations prepared by the Council, and at all times to be open to inspection of the Superintendent, Inspectors, and Examiners; and when the foregoing sum, or any portion of it, remains undrawn, it may be applied for the purchase of maps and globes, to be supplied to sections on the same conditions as the library books.

To draw public grant for district examiners, &c.

(14.) To draw from the treasury, upon the requisition of the Superintendent, a sum sufficient to pay the amount allowed to provincial and district examiners, and the expenses incurred by the Superintendent in furnishing printed instructions, blank forms, and copies of this act, as directed by law; and, also, five cents a mile towards the travelling expenses of those to whom District Examiners may give certificates of admission to the Normal School.

To draw grant for school books, &c.

(15.) To draw from the treasury, upon the requisition of the Superintendent, the sum of two thousand four hundred dollars, to be expended in the purchase of such school books, maps, apparatus, and educational reports as the Superintendent, with the approval of the Council, may select,—the same to be apportioned as benefactions to the several districts, according to their population.



## SUPERINTENDENT.

7. The Superintendent of Education shall receive an annual salary of one thousand two hundred dollars, and four hundred dollars for travelling expenses and contingencies of office. The Superintendent's duties shall be as follows :

Superintendent.  
Salary. Con-  
tingencies;

Duties of.

(1.) To have, subject to the Council of Public Instruction, the general supervision and direction of the inspectors, the Normal School, County Academies, Superior and Common Schools.

To have super-  
vision of inspec-  
tors and schools

(2.) To enforce the provisions of this act and the regulations of the council.

To enforce this  
act.

(3.) To promote the establishment and efficiency of county academies and superior schools.

To promote  
county acade-  
mies, &c.

(4.) To hold public meetings and institutes of teachers.

To hold meet-  
ings.

(5.) To inquire and report respecting the qualifications of teachers and the management of schools.

To report quali-  
fications of  
teachers.

(6.) To inspect, as often as possible, all the county academies, and, when directed by the Council of Public Instruction, any school receiving provincial aid.

To inspect  
county acade-  
mies and  
schools.

(7.) To prepare printed instructions and blank forms for all purposes required by this act, and furnish them, together with copies of this act and the regulations of the Council, gratuitously, to the Inspectors, Boards of School Commissioners, Trustees, and Teachers.

To prepare in-  
structions,  
blanks, &c.

(8.) To distribute annually, as provided by law, such school books, maps, apparatus, and educational reports as he, with the approval of the Council, may select.

To distribute  
books, &c.

(9.) To issue, at such times as he may deem proper, with the sanction of the Council of Public Instruction, an Educational Journal, a copy of the same to be forwarded to each licensed teacher, inspector, chairman of examiners, and commissioners in the Province, and the necessary expense to be deducted from the gross provincial grant to county academies, superior and common schools.

To issue Educa-  
tional Journal.

(10.) To make annually, for the information of the legislature, a report on the state of the academies and schools subject to his inspection and supervision, accompanied by full statistical tables and detailed accounts of the expenditure of the moneys appropriated by this act, and offer such suggestions on educational subjects as he may deem proper.

To make annual  
report.

## COMMISSIONERS.

8. Each Board of Commissioners shall meet semi-annually on the day appointed by the Council of Public Instruction, and shall elect a chairman at the regular meeting in the autumn, who shall call a special meeting when required by two members of the Board, or when directed by the Council

Commissioners  
—meetings of.

Special meet-  
ings.

of Public Instruction. In case of a special meeting, the chairman shall notify the inspector of the same, and if the inspector be unable to attend, the Board shall appoint a Secretary *pro tem.* who shall record the proceedings of the meetings, and preserve such record for the inspector, and transact any other necessary business, as directed by the Board; and in case of the absence of the chairman, the Commissioners may appoint a chairman *pro tem.*

District Exami-  
ners—how ap-  
pointed.

9. Each Board of Commissioners shall appoint two well qualified district examiners (who may or may not be members of the Board), who shall co-operate with an examiner appointed by the Council of Public Instruction, for the purpose of examining and licensing persons wishing to teach.

Returns—when  
to be lodged at  
inspector's  
office.

10. Each Board of Commissioners shall fix a day, which shall be at least two days prior to the semi-annual meeting, on or before which the returns of all common and superior schools and the county academy shall be lodged at the district office of the inspector.

Commissioners  
to receive in-  
spector's report.

11. Each Board of Commissioners, at its semi-annual meeting, shall receive the inspector's report as to the condition of the schools of the district, and the Board shall examine the several returns, and, if found satisfactory, they shall be marked as approved by the Board, and shall be signed by both the chairman and the inspector; and if from any just cause, as specified in this act, the Commissioners shall withhold their approval, they shall write upon the return their decision, with the grounds thereof; and each Board, upon the recommendation of the inspector, shall have power to authorize the payment of the provincial grant to any licensed teacher who may have taught in more than one poor or scattered section for at least four months. All school returns shall be transmitted to the Superintendent of Education.

Approval or  
disapproval to  
be endorsed on  
return.

Money—how  
granted to itine-  
rant teachers.

12. Each Board of Commissioners shall divide semi-annually, a sum equal to one half of the annual provincial grant, diminished by the amount allowed to the inspector as commissions on the same, and also by a sum, not exceeding ten dollars, for actual expenditures for stationery, postage, and printing, among the teachers of the district, according to the class of their licenses, as provided by this act; and they shall also divide, semi-annually, among the same teachers, a sum equal to one half the amount annually raised by county or district assessment for public schools, by an equal sum per pupil, according to the average attendance in each school for the school half year. The chairman of each Board, under the direction of the Commissioners, shall furnish, through the inspector, drafts to licensed teachers, as provided by this act, upon the county or district treasurers, and for the city of Halifax upon the treasurer of the city, as may be required under the provisions of this act.

Provincial  
grant and sum  
raised by coun-  
ty assessment—  
how divided.

County fund—  
how drawn.

13. Each Board of Commissioners shall forward with the semi-annual returns, district examiners', and inspectors' accounts, a certificate signed on behalf of the Board by the chairman, and also by the inspector, stating that to the best of their knowledge the accompanying distributions of provincial and county moneys have been made in accordance with the provisions of this act.

Certificates of distribution.

14. Each Board of Commissioners shall have power,—

Powers of commissioners. To alter sections.

(1.) To make such alterations in the existing boundaries of school sections, at any regular semi-annual meeting, as may from time to time be necessary, the inspector having been consulted as to the propriety of any alterations, and to fix the time when such alterations shall take effect, whether at once, in six months, or in a year; and the Commissioners shall in all cases have due regard to the number of children, and to the ability of each section to support an efficient school; but they shall not divide towns and villages unless by the special direction of the Council of Public Instruction.

Mode of.

(2.) To declare, upon the inspector's report, or upon other reliable information, the school house, or houses or buildings used as such, unfit for school purposes, and shall forward such declaration to the trustees of the section, and the Board shall thereafter withhold all provincial aid from any such section, if measures are not adopted whereby a suitable house or houses may be provided according to the ability of the section.

Limitation.

To declare school houses unfit.

Penalty on sections for neglect.

(3.) To withhold the provincial grant from any section presenting a false return, and also to withhold the grant, in part or in whole, from any teacher who may be found negligent of duty, immoral, or who may otherwise fail to sustain the standing indicated by his or her license, and the Board shall immediately report any such case, with a statement of the facts, to the Superintendent.

To withhold provincial grant in certain cases.

(4.) To settle any disputes arising between the trustees and teacher, respecting the teacher's salary or duty.

To settle disputes between trustees and teachers.

(5.) To cancel the license of any teacher under their charge, who may become guilty of drunkenness or other gross immorality, and to suspend at their discretion the license of any teacher under their charge, for negligence of duty or incapacity, and to notify the teacher of the same, and the trustees by whom said teacher may be employed; and the Board shall immediately acquaint the Superintendent of any such case, and of the name, sex, and class of the teacher whose license shall have been cancelled or suspended.

To cancel or suspend teachers' license.

And to report to superintendent.

(6.) To appoint trustees, or a trustee for any section, in cases as hereinafter provided.

To appoint trustees in certain cases.

15. Any person may convey or devise real estate to the Commissioners for any district, and duly vest in the Commissioners and their successors in office the legal estate therein, in trust, for the purpose of erecting and keeping in repair a school house or houses thereon; and the Commissioners may

Commissioners may hold real estate in trust.

Restriction. sue and be sued in respect thereof, but shall have no control over any school house or houses on such lands as against the trustees of the school section, or the inhabitants, other than may be expressed by the conveyance or devise.

#### COMMITTEE OF DISTRICT EXAMINERS.

District examiners—meetings of.

16. Each Committee of District Examiners shall meet in October and April in each year, for the examination of teachers, and shall be entitled to receive a sum, not to exceed two dollars a day each, for every day actually engaged in examination, the accounts to be approved by the Board of Commissioners, signed by the chairman and inspector, and forwarded to the Superintendent.

Duty of: To examine teachers and grant licenses.

17. It shall be the duty of the District Examiners,—

Discretionary power.

(1.) To examine all applicants for license to teach, in accordance with the mode and qualifications prescribed by the Council of Public Instruction, and to grant a license to those found qualified, satisfactory evidence of good moral character having previously been received; but they may, in their discretion, grant a license to any teacher already holding one from the Examiners in another district, without subjecting the applicant to a formal examination.

To grant certificates to teachers wishing to attend Normal School.

(2.) To furnish, at the regular semi-annual examinations, certificates of character, ability, and scholarship to worthy applicants, capable of working at least the third class syllabus of examination, who may wish to attend the Normal School, indicating in any such certificate the division of the syllabus worked by the applicant, and to transmit to the Superintendent, on or before the first day of December and June in each year, a list of the same, with the name and residence of each applicant.

To report names of those to whom licenses have been granted.

(3.) To report to the Board of Commissioners at the regular meetings, and also to the Superintendent, the name, sex, and class of each person to whom a license shall have been granted.

#### INSPECTORS.

Inspectors—amount of commission, &c.

18. Each Inspector shall receive semi-annually from the Commissioners five per cent. commission on a sum equal to one half the annual provincial grant to the county or district, and a sum, not to exceed ten dollars, for stationery, postage, and printing, and each Inspector shall receive from the treasury one dollar and fifty cents for each half yearly visit to each of the schools in his county; the accounts for the same to be approved by the Commissioners, and the orders to be signed by both the Chairman and Inspector. It shall be the duty of each Inspector,—

Duty of.

To act as clerk of school board.

(1.) To act as clerk of each Board of School Commissioners within his county, and to draw, in November and May,

from the treasury, upon the order of the chairman, the provincial money, as provided by this act, and promptly deliver to licensed teachers personally, or upon their written orders, their provincial allowance and drafts upon the county or district treasurer.

To draw the provincial grant and distribute it.

(2.) To give a bond to her Majesty, in double the sum granted to his county, for the faithful discharge of the duties of his office.

Shall give bonds.

(3.) To keep a correct record of the boundaries of each school section in his county, and furnish, from time to time, amended copies of the same to the several sections.

Shall keep record of school sections.

(4.) To visit and inspect, half yearly, each school and county academy within his county, and report fully upon its condition to the Board of Commissioners for the district in which it is situate, in conformity with instructions received from the Superintendent, and in case of failure to visit any school, to indicate the fact and the cause in his report.

Inspection of schools.

(5.) To furnish trustees and teachers such information as they may require respecting the operation of this act and the performance of their duties, and especially to assist teachers to improved methods of imparting instruction, classifying pupils, and conducting schools.

Shall aid teachers with necessary information, &c.

(6.) To make special reports half yearly, as directed by the Superintendent, upon the relative efficiency internally and externally, of all Superior Schools in each district within his county, and forward such reports to the Superintendent simultaneously with the returns of schools for each district respectively.

Half-yearly reports on superior schools.

(7.) To acquaint himself with, and to record the facts concerning the relative proportion of poor and indigent children in the several sections and parts of sections of each district, the number of rate-payers resident in the part of each district included in border sections, and also of any itinerant teachers in poor or scattered sections.

Statistics of poor sections and border sections.

(8.) To have the charge of all school books, maps, and apparatus forwarded by the Superintendent, as benefactions to each district within his county, and to apportion the same as far as possible in accordance with the number and relative wants of the sections in each district, including parts of border sections, and to report to the Commissioners, at the following semi-annual meeting, the apportionment made to each section.

Have charge of books, maps, apparatus, &c.

(9.) To appoint a convenient place in each district within his county where all school returns shall be lodged, and where trustees can procure the portion of school books allotted to their section, and to give sufficient publicity to any such arrangement.

Shall appoint place in each district for returns.

(10.) To keep on hand and distribute as directed by the Superintendent all necessary blank forms and returns.

Blank forms.

(11.) To diffuse such information as shall promote the improvement of school houses and grounds, and all appertaining thereto.

School houses and grounds.

- Fines. (12.) To report annually to the Superintendent all fines received by him under this act.
- Public meetings (13.) To promote the advancement of education by holding public meetings as frequently as possible, and especially to encourage the establishment of schools in sections where none exist.
- Uniform system of education. (14.) To aid the Superintendent in carrying out a uniform system of education, and generally in giving effect to this act, and the regulations of the Council of Public Instruction.
- Half-yearly return—nature of. (15.) To transmit to the Superintendent on or before the first day of December and June in each year, a statement of the half-yearly distribution, and also by the first day of December in each year, a general report of his labors, noting the condition of the schools in his county, and the means of improvement, stating the sections visited where schools did not exist, and the results of such visitations, and furnishing therewith such statistical information as the Superintendent may solicit.
- Yearly report.

## METHODS OF SUPPORT.

- Provincial grant for county academics. 19. There shall be granted annually the sum of six thousand six hundred dollars towards the support of County Academics, to be constructed and located in accordance with the directions of the Council of Public Instruction, said sum to be applied as specified in schedule B.; the sum of seven thousand two hundred dollars for Superior Schools, to be constructed and located in accordance with the directions of the Council of Public Instruction, said sum to be provided in the proportion of four hundred dollars for each county in the Province, each school to receive at the rate of one hundred dollars; one half the sum granted to County Academies and Superior Schools, to be drawn half-yearly; and when in any county the sum granted for County Academies or Superior Schools shall not be drawn, it shall be appropriated at the option of the Commissioners to aid poor sections in providing suitable school houses in such county, or in sustaining its Superior Schools, said appropriation to be made on the recommendation of the Superintendent of Education; and the further sum of ninety thousand dollars shall be granted towards the support of common schools, as specified in schedule A.
- How applied. For superior schools. Amount—when not drawn to aid poor sections. For support of common schools. County assessment. 20. The Clerk of the Peace in each county, except as hereinafter provided, in relation to the county of Lunenburg and the city of Halifax, shall add to the sum annually voted and passed for general county purposes at the general sessions, a sum sufficient, after deducting costs of collection and probable loss, to yield an amount equal to two-thirds of that granted by the legislature to each county, as set forth in schedule A, toward the support of public schools within each county.
- Lanenburg. The Clerk of the Peace for that portion of the county of Lanenburg, comprising the districts of Lunenburg and New

Dublin, shall add to the sum annually voted and assessed for the said portion of the said county of Lunenburg, a sum sufficient to yield two-thirds of amount contained in said schedule for the school districts of Lunenburg and New Dublin.

The sum so added by the Clerk of the Peace to the amount levied on any county shall form and be a portion of the county rates, and shall, without any deduction for costs of collection, or otherwise, be distributed to each school by an equal sum per pupil, according to the average attendance for the school half year, and be paid to teachers personally, or upon their written order by the county treasurer, upon the order of the commissioners, signed by the chairman.

How collected and disbursed.

Where counties are divided into districts, holding General Sessions of the Peace, the term "County" in this clause shall, for the purposes contained in said clause, be held to include and apply to such districts as fully as if such districts had been specifically mentioned therein.

When counties are divided into districts.

21. Seventy-five thousand dollars of the sum granted for the support of common schools shall be drawn from the treasury, and applied under this act, for the first half year of each school year, and the remaining fifteen thousand dollars of the provincial grant to common schools, together with sixty thousand dollars, raised by assessment, upon the several counties and districts, shall be applied under this act for the second half of each school year.

Provincial grant: amount raised by assessment—how drawn and applied.

22. Any amount required for the support of a school or schools in any section over and above the sum provided by the province and county, shall be raised by subscription and not by fees per pupil; and such schools shall be free to all persons resident in the section five years of age and upwards, who may wish to attend school.

Local amount to be raised by subscription.

Schools must be free.

23. Any sum voted at the annual school meeting as necessary for the leasing, purchase, or erection of school houses, or for the purchase or improvement of school grounds, and all interest on money borrowed by the section for the same, shall be a charge on the section, and shall be levied on the real and personal property within the county of the residents of the section, according to the county rate-roll; and the trustees shall furnish to the secretary a list of the assessments under this clause, with instructions in writing thereon, signed by the trustees, authorizing and directing such secretary to collect from the persons therein named the amounts set opposite their names; and the secretary shall demand the several amounts from the persons so assessed; and in default of payment the same shall be collected under and by virtue of the provisions of the chapter of the Revised Statutes, "Of County Assessments," and of any acts in amendment thereof; and the trustees shall return such assessment to the general sessions, or a special sessions held for that purpose, where appeals shall be had and determined.

Sum voted for school houses, &c. to be charged on section.

How levied and collected.

Corporate property liable to sectional assessment.

24. Real and personal property situate within a school section, and belonging to a corporation or company, shall be subject to sectional assessment, and the rates shall be payable by the agent, to the extent of the funds in his hands, or under his control, at the time of the demand, as if assessed upon him personally, and be chargeable by the agent to the principal.

#### THE ANNUAL MEETING.

Annual school meeting—when held.

25. The annual school meeting for the election of trustees, or a trustee, shall be held in the school house of the section, or if not commodious, or if its use cannot be obtained, or if there is none, in any other convenient building, on the third Monday in October; the meeting to be called by the trustees, or, where none exist, by the inspector, by notices posted in three public localities within the section, five days previously, signed by the trustees or the inspector, as the case may be.

Notice.

Meeting—how organized.

26. At the annual school meeting the majority of the rate payers of the section present shall elect from their own number, or otherwise, a chairman to preside over the meeting and a secretary to record its proceedings; and the chairman shall decide all questions of order, and shall take the votes of rate-payers only, and shall give a casting vote in case of an equality of votes; and the rate-payers shall, by a majority of those present, decide what amount shall be raised by the section to supplement the sums provided for public schools by the Province and county, and they shall also decide whether any and what sum shall be raised for the purchase or building of school houses, for the purchase or improvement of school grounds, or for general school purposes.

Rate-payers to decide amount to be raised by section.

Right to vote may be challenged.

27. If any person offering to vote at an annual or other school meeting shall be challenged as unqualified, the chairman presiding at such meeting shall require the person so offering to make the following declaration:

Declaration.

“I do declare and affirm that I am a rate-payer, and that I reside in this school section, and that I am legally qualified to vote at this meeting.”

Penalty for false declaration.

And every person making such declaration shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to make such declaration, his vote shall be rejected; provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, at the discretion of the Court, or by a penalty of not less than five nor more than ten dollars, to be recovered by the trustees of the section, for its use, as a private debt, under Chapter 1 of the Revised Statutes.



## TRUSTEES.

28. Each school section shall have a Board of three trustees, and no section shall have more than one Board.

Board of trustees in each section.

29. At the first annual meeting of any section, under this act, the majority of the rate-payers of the section present shall elect from their own number three trustees, and at the second and third annual meetings one of the trustees elected at the first meeting shall go out of office by ballot, and at each annual meeting thereafter he who has served the longest shall retire from office, and each of the vacancies shall be filled by the election of a new trustee; provided always, that he whose term of office has expired may be re-elected, with his own consent, his time of service to date from such re-election; but it shall always be competent for existing trustees to complete the business of the closing school year.

Trustees—how elected.

How to retire.

Vacancies—how filled.

30. Where any section, at the time fixed for the annual meeting, fails to elect three trustees, or to fill the annual vacancy occurring in the trusteeship, or vacancies from other causes, the trustee or trustees shall be appointed, upon the written requisition of seven rate-payers in the section, by the Commissioners of Schools for the district in which the school house is situate, or in which a majority of the rate-payers of the section reside; and where any trustees or trustee have been elected, and refuse to act, or shall neglect the performance of duty for twenty days after such election, the Board of Commissioners shall, with or without a requisition, appoint trustees, or a trustee, in place of the persons or person so refusing to act; and in case any person, appointed by the Board of Commissioners as a trustee, shall refuse or neglect to act as aforesaid, the Board of Commissioners shall make such further appointments as may be necessary to fill any such vacancy; and any Board of Trustees, thus secured, shall, as soon as practicable, convene a meeting of the rate-payers of the section as provided for the annual meeting, and such meeting shall transact all business, except the election of trustees, required of the annual meeting, and in the same manner, provided that arrangements be made for the support of the school or schools for at least five months, or, if the section be poor, at least three months in either half of the school year.

Proceedings when meetings fail to elect trustees or fill vacancies.

31. Any person elected, or appointed a trustee, not being a Commissioner of Schools, and refusing to act, or any trustee who, having accepted office, shall not perform the duties thereof, shall, for every such offence, forfeit the sum of twenty dollars, to be collected by any rate-payer in the section; said sum to be payable to the Inspector, or his order, and applied by the Superintendent of Education to the objects specified in clause 7.

Penalty for refusing to act.

32. It shall be lawful for the trustees of any section, wherein are located academic institutions, other than county

Trustees may co-operate with trustees of insti-

tutions receiving separate grants.

academies, to co-operate with an equal number of persons, chosen by the governing bodies of such institutions, in order that the section may secure the educational advantages supplied by such institutions; such combined Board of Trustees to manage the school or schools, as the case may be, in accordance with the provisions of this act.

May admit to school pupils from other sections.

33. The trustees of any section may, in their discretion, admit to school privileges, pupils from other sections; and if the trustees shall deem it necessary they may exact from such pupils a reasonable tuition fee.

Trustees to be body corporate.

34. The trustees of any section shall be a body corporate for the prosecution and defence of all actions relating to the school or its affairs, and other necessary purposes, under the title of Trustees of School, section No. —, in the district [or districts] of —, and they shall have power, when authorized by the school meeting, to borrow money for the purchase or improvement of grounds for school purposes, or for the purchase or building of school houses; and all such amounts shall be paid by equal yearly instalments, not exceeding five, to be assessed upon the section, and the money so borrowed shall be a charge upon the school section.

Duties of trustees. To meet and organize.

35. The duties of the Trustees shall be as follows:—

(1.) To meet as soon after the annual election or appointment of Trustees, or a Trustee, as practicable, and appoint one of themselves, or some other person, to be secretary to the Board of Trustees, and to provide him with a suitable blank-book, and instruct him to keep therein and carefully preserve a correct record of all the doings of the Board.

To hold school property.

(2.) To take possession of, and hold as a corporation, all the school property of the section, or which may be purchased for, or given to it for the use or support of common, superior, or academic schools; but they shall not interfere with any private rights or the rights of any religious denomination.

To lease or rent lands.

(3.) To lease or rent lands or buildings, if necessary, for school purposes, for a period of not less than five months, or, if the section be poor, not less than three months.

To fix sites of school houses.

(4.) To determine the sites of school houses, subject to the sanction of the three nearest commissioners, residing out of the section.

To provide school accommodations, as follows:

(5.) To provide school privileges, free of charge, for all persons resident in the section five years of age and upwards, who may wish to attend school, and, when authorized by the school meeting, improved school accommodations, such accommodations to be provided as far as possible, in accordance with the following arrangements:—

(a.) For any section having fifty pupils or under, a house with comfortable sittings for the same, with one teacher.

(b.) For any section having from fifty to eighty pupils, a house with comfortable sittings for the same, and a good class room with one teacher and an assistant.

(c.) For any section having from eighty to one hundred pupils, a house with comfortable sittings for the same, and two good class-rooms, with one teacher and two assistants. Or, a house having two apartments, an elementary and a preparatory, with two teachers. Or, if one commodious building can not be secured, two houses may be provided in different parts of the section, with a teacher in each; one being devoted to the younger children, or elementary department, and the other to the more advanced or preparatory department.

(d.) For any section having from one hundred to one hundred and fifty pupils, a house with two adequate apartments, an elementary and a preparatory, and a good class-room, accessible to both, with two teachers, and, if necessary, an assistant. Or, if the section be long and narrow, three houses may be provided, two elementary and one preparatory, the former being located towards the extremes of the section, and the latter at or near the centre.

(e.) For any section having from one hundred and fifty to two hundred pupils, a house with three apartments, an elementary, a preparatory, and a high school, and at least one good class-room, common to the two latter, with three teachers, and, if necessary, an assistant. Or, if necessary, separate houses may be provided for the different departments in different parts of the section.

(f.) And generally for any section having two hundred pupils and upwards, a house, or houses, with sufficient accommodations for different grades of elementary and preparatory schools, so that in sections having six hundred pupils and upwards, the ratios of pupils in the elementary, preparatory, and high school departments, shall be respectively about eight, three, and one.

36. If any section having more than one department under one roof, or under separate roofs, the Trustees, by the aid of the teachers or otherwise, shall regulate from time to time the attendance of pupils in the several departments according to their attainments.

Trustees shall regulate attendance of pupils in several departments;

37. If in any section the Council of Public Instruction shall permit separate departments under the same or separate roofs, for pupils of different sexes or different colors, the Trustees of the section shall, in this as in other cases, regulate attendance on the several departments, according to the attainments of the pupils.

Shall regulate attendance when council permits separate departments.

38. It shall further be the duty of the Trustees :

(1.) To contract with and employ a licensed teacher or teachers for the section, and, where necessary, licensed [or unlicensed] assistants, for a period of not less than five months, or, if the section be poor, not less than three months.

Trustees' further duties. Shall employ teachers.

(2.) To notify, as they may deem proper, the inhabitants of the section, of the opening or re-opening of the school or schools that pupils may present themselves for classification without delay.

Give notice of opening of schools.

To furnish town clerk or clerk of peace with list of rateable inhabitants of section.

(3.) To furnish, in case the annual meeting shall have determined to raise money for the purchase or building of school houses, or for the purchase or improvement of school grounds by assessment, the town clerk or the clerk of the peace for the county in which the section or a portion of it may be situate, a list of the inhabitants of the county resident in the section liable to be taxed, and the town clerk or the clerk of the peace shall affix the amount of property for which each is assessed according to the county assessment-roll for the year, and the town clerk or the clerk of the peace, as the case may be, shall be entitled to receive from the trustees a fee of twelve cents for every list so furnished.

To provide for erection of school houses.

(4.) To provide by assessment, as set forth in clause 23, for the purchase of suitable grounds, and the purchase or erection of a house or houses, according to the decision of the school meeting, to select the design of building most suitable, and let out the work, the amount required being levied and collected in equal portions, from year to year, not exceeding five years, with any interest accruing, until the whole shall have been raised.

To visit schools.

(5.) To visit the school at least four times in each year, and to be present, when practicable, at the semi-annual examinations and the visitations of the inspector.

May suspend or expel pupils.

(6.) To suspend or expel any pupil from school who is persistently disobedient to the teacher, or addicted to any vice likely to injuriously affect the character of other pupils, until there shall be indications of reform.

Health of school.

(7.) To adopt efficient measures for the preservation of the health of the school.

May call special meetings.

(8.) To call a special meeting of the section, due notice being given by means of the school or otherwise, for the purpose of filling any extraordinary vacancy occurring in the Board of Trustees, and for any other necessary purpose; and at any such meeting a chairman and secretary shall be appointed, as provided for the annual meeting.

Annual report.

(9.) To present an annual report on the state of the school or schools, and of the doings of the Board, at the regular school meeting in October.

School returns.

(10.) To prepare or have prepared a true return of the state of the school, according to the form drawn up for that purpose by the Superintendent, and, if there are more than one department in the section, a return for each, indicating the grade of each department, and to lodge the same, duly certified by the teacher or teachers at the district office of the Inspector, on or before the day fixed for the same by the Commissioners for the district; and, if the section be a border section, the Trustees shall present a complete return to each Board of Commissioners, under whose supervision a part of the section may lie, marking the same as a *border section*, and stating also in each return the number of rate-payers, resident within the portion

A return for each department.

To be forwarded by a certain day.

Return of border sections.

of each district, embraced in the same; and if the trustees of any section shall present a false return the provincial grant shall be withheld from the section over which they preside.

39. Trustees shall have power to suspend or dismiss from their employ any teacher for gross neglect of duty or immorality, and they shall immediately forward a written statement of the facts to an acting member of the Board of Commissioners for the district, and they shall also forward a statement of their proceedings to the Superintendent, and the pay of any such teacher shall thereupon cease unless otherwise ordered by the Board of Commissioners upon the appeal of the teacher; but he or she shall be paid rateably up to the time of his or her suspension or dismissal.

Penalty for false return.

May suspend or dismiss teachers

Notification of same.

Pay of such teachers.

#### SECRETARY TO THE TRUSTEES.

40. The Secretary to the Trustees shall give a bond to her Majesty, with two sureties, in a sum at least equal to that to be raised by the section during the year, for the faithful performance of the duties of his office.

Secretary to trustees shall give bond.

41. The Secretary shall be entitled to receive five per cent. commission on all sums collected by him, or under his direction, for the support of the school, or schools, including expenditure for rents, repairs, furniture, outhouses, fuel, maps, apparatus, and salaries, excepting in cases where payment shall be voluntarily made, when he shall make a deduction to persons making such payment of two and a half per cent. from his commissions; and he shall be entitled to two and a half per cent. on all sums collected by him, or under his direction, for the purchase or erection of a new school house, or houses, and for the purchase or improvement of school grounds.

Salary.

42. The Secretary's duties, to be performed under the direction of a majority of the Trustees, either by the Secretary in person, or under his direction, shall be as follows:—

Secretary—duties of.

(1.) To keep the accounts, moneys, and records of the Board, and to collect and disburse all school moneys.

Keep the accounts, &c.

(2.) To keep the school house or houses in good repair, and supply the same with comfortable furniture, outhouses, fuel, maps, and apparatus.

Keep school houses in repair.

(3.) To obtain from the district office of the Inspector the portion of school books allotted to the section, and to distribute them, as needed, to poor and indigent pupils, to keep an accurate record of all books so received, and the names of those to whom the same have been distributed, with the sorts of books to each, and to inform the Inspector from time to time of any surplus of books on hand, that the same may be appropriated to poor sections; the foregoing record to be opened at all times to the inhabitants of the section, the Inspector, and the Superintendent.

To distribute school books.

To supply teachers with copies of school registers.

(4.) To promptly supply to the Teacher, or Teachers, copies of the school register prescribed by the Council of Public Instruction, and carefully preserve the old registers.

To keep record of Maps, &c.

(5.) To keep a faithful record of any maps or apparatus that may at any time be furnished to the section by the Superintendent or Inspector, and of the disposal of the same.

To give teacher inventory of school property.

(6.) To present the Teacher with a copy of the inventory of the school property under his or her charge, and renew the same from time to time.

To take charge of library books, &c.

(7.) To take due care of the library books of the section, and see that the same are managed in conformity with the regulations of the Council, and generally transact any business of the Board, as directed by a majority of the Trustees.

#### TEACHERS.

Provincial grant—relative amount to teachers of different classes.

43. The Provincial Grant to Teachers shall be distributed throughout each district in such a manner that male and female teachers of the same class respectively, shall receive at the same rate; male teachers of the second class, and female teachers of the first class, shall receive three-fourths of the amount paid to male teachers of the first class; male teachers of the third class, and female teachers of the second class, one half the sum paid to male teachers of the first class; and female teachers of the third class, one half of the amount given to female teachers of the first class. Assistant teachers, if provided with class-rooms, and employed at least four hours a day throughout the school half year, shall receive two-thirds the allowance of the provincial grant, according to the class of their license.

Licensed assistants.

To receive portion of grant, teacher must be licensed.

44. No person shall be deemed qualified to receive, under this act, any portion of the moneys granted toward the support of County Academies, Superior, or Common Schools, unless holding a license from the Examiners for the district in which he or she may be employed, or in which the school house may be situate, or from the Provincial Examiners. It shall be the duty of every such Teacher—

Duty of teachers.

Not to establish schools without agreement with trustees.

(1.) Not to attempt establishing a school in any section without first making an agreement with its Trustees.

To teach efficiently, &c.

(2.) To teach diligently and faithfully all the branches required to be taught in the school, and to maintain proper order and discipline therein, according to the engagements entered into with the Trustees and the provisions of this act.

To call roll and keep register, &c.

(3.) To call the roll morning and afternoon, and otherwise keep an accurate register in the manner prescribed by the Council of Public Instruction, on pain of liability to forfeiture of the public grants; the register to be at all times open to the inspection of the Trustees, Visitors, Examiners, Commissioners, Inspectors, and Superintendent.

- (4.) To render, when necessary, the Trustees all possible assistance in classifying the pupils of the section, according to their attainments, and, when requested by the Trustees, to institute quarterly examinations, for the purpose of transferring any pupils who may be prepared to another department. To co-operate with trustees.
- (5.) To inculcate by precept and example a respect for religion and the principles of Christian morality:—justice, and a sacred regard to truth, love of country, loyalty, humanity, and universal benevolence, sobriety, industry, and frugality, chastity, and temperance, and all other virtues which are the ornaments of human society. To inculcate principles of Christian morality.
- (6.) To give assiduous attention to the cleanliness, health, and comfort of the pupils, and to report to the Trustees the appearance of any infectious or contagious disease in the school. To have special regard to health and comfort of pupils.
- (7.) To have a special care to the usage of school books and apparatus, the neatness and order of the desks, and the cleanliness and ventilation of the school room. To have special care of books, &c.
- (8.) To remunerate the Trustees for any destruction of school property by the pupils that is clearly chargeable to gross neglect or failure to exercise proper discipline on the part of the teacher. To remunerate trustees for destruction of school property.
- (9.) To have, during or at the end of each half year, a public examination of the school, of which notice shall be given to the parents and Trustees, and to school visitors resident in the section. To hold public examinations.
- (10.) To give notice, through the pupils, of school-meetings advertised by the Inspector or Trustees. To give notice of school meetings.
- (11.) To furnish the Trustees, Examiners, Commissioners, Inspector, and Superintendent, any information that may be in his or her power, respecting anything connected with the school, or affecting its interest or character. To furnish general school information.
- (12.) To sign a certificate, attached to the half yearly returns, truly stating that the school register has been faithfully and impartially kept, and that his or her school duties have been punctually discharged; and any teacher signing a false certificate, shall have his or her license cancelled or suspended, as the Commissioners may decide. To certify correctness of returns.
45. Members of the Legislature, ministers of religion, and magistrates shall be visitors of schools; and each incumbent clergyman and minister of religion shall be exempt from all taxes for the support of schools, to the same extent only as Teachers under this act. Visitors of schools.
46. The certificate of any Inspector shall be received in courts of law as evidence of the boundaries of school sections. Bounds of sections—how determined in law
47. The Superintendent, Inspectors, Teachers of the Normal and Model Schools, and licensed Teachers, while employed as such, shall be exempt from militia duty, statute labor, and from serving in any town office, or on juries, and they, while so employed, shall be exempt from poll-taxes, and shall not be Exemptions of superintendent, teachers, &c.

taxed for schools, or other purposes, on real or personal property, rated under two thousand dollars; but they shall be liable for any excess of that sum.

Commencement of school year. Act shall come into operation 16th Oct., 1865.

48. The school year shall begin on the first of November; and this act shall come into operation throughout the Province on the sixteenth day of October next; but Trustees, then in office, shall complete the business of the closing school year; and the Inspectors, District Examiners, and Boards of Commissioners, then in office, shall perform their respective duties till their successors are appointed; and each Board of Commissioners, at the meeting in November next, shall distribute the Common School grant, appropriated under the act of 1864, according to the provisions of said act, and of any amendments thereof, and shall make the arrangement required by clause ten for the returns for the half year ending thirtieth of April, eighteen hundred and sixty-six; and all teachers holding licenses, granted under the act of eighteen hundred and sixty-four, and of any amendments thereof, shall be held qualified under this act, and subject to its provisions, according to the terms of their certificates; and all engagements entered into under the act of 1864, shall be binding under this act, and the first named, or, in case of inability to attend, the next in order, in the several commissions appointing Boards of Commissioners under this act, shall serve as Chairman of the Boards till the regular meetings in the autumn of eighteen hundred and sixty-six.

Distribution of moneys in Nov. 1865.

Proceedings under act of 1864 confirmed.

Chairman of Boards—when elected.

City of Halifax. Management of schools.

City one section

Commissioners: how appointed, and powers thereof.

Commissioners to provide school accommodation.

Commissioners may co-operate with governors of established schools.

All public schools to be free.

City assessor to perform duties

49. The schools in the City of Halifax shall be managed as follows:

(1.) The city shall be one school section, and the Governor in Council shall appoint a Board of Commissioners for the city, which shall consist of twelve members, two of which shall be resident in each ward; and such Board shall be a corporate body, and may exercise all the powers given to trustees under this act, and perform all the duties imposed on trustees by the same.

(2.) The Board of Commissioners under this clause shall, after their appointment, take all necessary steps to provide sufficient school accommodation, before the first day of November next.

(3.) The Board of Commissioners are authorized to co-operate with the governing body of any city school, on such terms as to the Board shall seem right and proper, so that the benefits of such school may be as general as circumstances will permit; and in such cases the Board may make allowance to such schools out of the funds under their control as shall be deemed just and equitable. But no public funds shall be granted in support of any school unless the same be a free school.

(4.) The City Assessor shall perform the duties required by Clerks of the Peace under clause 20, and the sum so added



by the City Assessor under the provisions of that clause shall be levied on and collected from the inhabitants of the city, and form and be annually a portion of the city rates, and shall be paid by the City Treasurer to teachers personally, or upon their written order upon the draft of the Commissioners, under the terms of this act.

of clerk of peace.

(5.) The Board of Commissioners shall make an estimate of any sum that may be required for the yearly support of the schools under their charge, to supplement the amount of the provincial grant and the amount levied as a general rate on the city, and they shall levy the sum required upon the rate-payers of the whole city, according to the city rate-roll for the year, to be furnished by the City Assessor, and shall make returns of such assessment to the City Council, to whom appeals therefrom shall be made; and the Secretary to the Board of Commissioners, either in person or by his agent, under a warrant signed by at least two Commissioners and the Chairman or acting Chairman of the Board, shall collect the sums thus assessed; and, in default of payment, they shall be collected by warrant from the City Treasurer, as other city rates, and the sum so collected shall be apportioned by the Board of Commissioners to the several wards, according to the requirements of each.

Amount required beyond provincial grant to be assessed and collected on city rate-roll.

(6.) When the Board of Commissioners shall deem it necessary to raise money for the purchase or improvement of lands for school purposes, or the purchase, leasing, or building of school houses, the same shall be assessed by an equal rate upon the inhabitants of the whole city, according to the city rate-roll for the year, to be furnished by the City Assessor; the assessment to be levied by the Board of Commissioners, and collected and apportioned as provided for the yearly support of schools in the city.

Manner of raising money for school house lands, &c.

(7.) The Board of Commissioners shall have the power to select and purchase the sites for school houses, and they shall have power to borrow money for the purchase or improvement of grounds for school purposes, or for the building or purchasing of school houses, and all such amounts shall be a charge upon the section, and shall be paid by equal yearly instalments.

Commissioners may select sites and borrow money for school houses.

(8.) To enable the Commissioners to borrow money, they may issue debentures in such form as they may decide upon, payable, within such period as shall be therein specified, by equal yearly instalments, which shall be sealed with the seal of the incorporated Board, and be signed by the Chairman and countersigned by the Secretary.

Commissioners may issue debentures.

(9.) The Board of Commissioners are hereby invested with the title of all public school property, real and personal, within the city, with the exception of the Halifax Grammar School, and may sell and dispose of the same, or any part thereof, and with the proceeds may purchase new school house sites and

Title to school property vested in commissioners.

erect new school houses, in such places and at such times as shall be deemed most expedient.

Chairman—  
how appointed.

(10.) The Commissioner whose name shall stand first on the list of appointments shall be Chairman of the Board, and in his absence the next Commissioner on the list present shall act as Chairman; and the Commissioners shall appoint their own Secretary.

Secretary.

Pupils of one  
Ward entitled  
to privileges of  
any other.

(11.) The provisions of this act, except as hereinbefore named, shall apply to the City of Halifax, but the pupils of one ward shall be entitled to school privileges in any other ward.

Trustees and  
commissioners  
may insure  
school houses.

50. The Trustees in the several counties, and the Board of Commissioners in Halifax, are authorized to effect insurances on school houses.

SCHEDULE A.

ANNUAL GRANTS TO COMMON SCHOOLS.

[The Grants to the several Districts to be adjusted every Decennial Census, according to population.]

<i>District of Cape Breton</i> ..	\$5675	<i>Rural District of Halifax</i> ,	\$1279
<i>District of Victoria</i> .....	2623	<i>District of East Hants</i> ....	2113
<i>District of North Inverness</i>	1797	<i>District of West Hants</i> ....	2636
<i>District of South Inverness</i>	3634	<i>District of Kings</i> .....	5095
<i>District of Richmond</i> .....	3429	<i>District of Annapolis East</i> ,	2452
<i>District of Antigonishe</i> ...	4045	<i>District of Annapolis West</i> ,	2105
<i>District of Guysborough</i> ..	2390	<i>District of Digby</i> .....	2608
<i>District of St. Mary</i> .....	1131	<i>District of Clare</i> .....	1404
<i>District of North Pictou</i> ..	3732	<i>District of Yarmouth</i> ....	2492
<i>District of South Pictou</i> ..	4096	<i>District of Argyle</i> .....	1710
<i>District of Stirling</i> .....	1360	<i>District of Barrington</i> ...	1464
<i>District of Colchester</i> ....	4092	<i>District of Shelburne</i> ....	1438
<i>District of Parrsborough</i> ..	927	<i>District of South Queens</i> ..	2006
<i>District of Cumberland</i> ..	4387	<i>District of North Queens</i> ..	541
<i>District of Halifax City</i> ..	6807	<i>District of Lunenburg</i> ....	2791
<i>District of Halifax West</i> ..	3929	<i>District of New Dublin</i> ...	1341
<i>District of Halifax Shore</i> ..	1263	<i>District of Chester</i> .....	1208

SCHEDULE B.

COUNTY ACADEMIES.

<i>County of Cape Breton</i> ... \$600	<i>County of Annapolis</i> ..... \$600
<i>County of Victoria</i> ..... 600	<i>County of Digby</i> ..... 600
<i>County of Inverness</i> ..... 600	<i>County of Shelburne</i> ..... 600
<i>County of Richmond</i> ..... 600	<i>County of Queens</i> ..... 600
<i>County of Guysboro</i> ..... 600	<i>County of Lunenburg</i> ..... 600
<i>County of Cumberland</i> ..... 600	

## CHAPTER 30.

## An Act to amend Chapter 25 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 2nd day of May, A. D. 1865.)

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|--|--|
| 1. Leases to be executed by Chief Commissioner after approval.<br>2. Bonds to be approved by Committee of Council.<br>3. Applicant for Licenses to pay the cost of survey. | 4. Contiguous leases treated as one. Proviso.<br>5. Quarterly returns—when made.<br>6. Royalties—when payable. |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. All leases of mines shall be executed by the Chief Commissioner of Mines, on behalf of the crown, after approval by a committee of the executive council.

Leases to be executed by Chief Commissioner after approval.

2. All bonds which, previous to the passing of this act, were required to be approved by the Governor in Council, shall be subject to approval by a committee of the Executive Council only.

Bonds to be approved by Com. of Council.

3. Applicants for licenses to search for, or licenses to work, or leases of mines other than gold, where an admeasurement of the area applied for is requisite, shall pay the cost of survey of such area before receiving a license or lease thereof.

Applicant for Licenses to pay the cost of survey.

4. Where a lessee of mines other than gold holds leases of two or more, but not exceeding five contiguous areas of a square mile each, such leases may be treated as a single lease, as in the case of leases of gold mines; provided, nevertheless, that payments shall be made on each square mile as if in a separate lease; and that if such lessee shall in any one year have wrought or gotten more than two hundred and fifty thousand tons of coal, liable for royalty, from the mine or mines held under such leases, there shall be no reduction of royalty upon such surplus, from sixpence to fourpence per ton, except upon so much thereof as shall in the aggregate exceed two hundred and fifty thousand tons for every square mile so included.

Contiguous leases treated as one.

Proviso.

5. Every lessee or licensee of mines and minerals other than gold shall, quarterly, on the first of January, April, July, and October, in each and every year, instead of on the first day of January alone, make the returns required yearly by section 103 of chapter 25 of the Revised Statutes, entitled "Of Mines and Minerals," in the manner and form set forth in said section.

Quarterly returns—when made.

6. All royalties accruing upon mines other than gold shall be payable quarterly, on the first day of January, April, July, and October, in each and every year.

Royalties—when payable.

CHAPTER 31.

An Act to amend Chapter 120 of the Revised Statutes, "Of the Solemnization of Marriage and the Registration of Marriages, Births, and Deaths."

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

Quarterly returns—when made.

1. The returns required by sections 24 and 26 of the chapter hereby amended, to be made on the second week of January, shall hereafter be made quarterly on the second week of January, April, July, and October, in each year.

CHAPTER 32.

An Act to confirm and render valid Marriages solemnized in this Province, in certain cases.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

- 1. Marriages declared valid. Proviso.
- 2. Issue declared legitimate.

- 3. Claims under issue of such marriages declared valid.
- 4. Act not to affect suits pending.

Preamble.

Whereas, doubts are entertained as regards the validity of certain Marriages, heretofore solemnized in this Province, on account of informalities in the licenses, or in the publication of banns under which such Marriages were had, or from the want of proper legal authority in the minister who solemnized the same, or from other causes :

Be it enacted by the Governor, Council, and Assembly, as follows :

Marriages declared valid.

1. All marriages heretofore solemnized in this Province, in good faith, before any minister of any religious denomination, in the presence of one or more witnesses, and where the parties so married have cohabited together as man and wife, shall be deemed and are hereby made valid, notwithstanding any real or supposed want of legal authority in the ministers to solemnize such marriages, and notwithstanding any want of license or of publication of banns under which such marriages were had, or any other legal objection thereto. Provided, that nothing herein contained shall have the effect of confirming or rendering valid any marriage between parties who were not legally authorized to enter into the marriage contract, by reason of consanguinity, affinity, or otherwise.

Proviso.

2. The issue of all marriages hereby confirmed or rendered valid, are declared to be and are made legitimate to all intents and purposes.

Issue declared legitimate.

3. The rights of parties claiming under the issue of any such marriage, shall be the same to all intents and purposes as if the marriage hereby confirmed had been valid and legal at the time of the solemnization thereof.

Claims under issue of such marriages declared valid.

4. This act shall not extend to or effect the proceedings of any suit now pending in the Court of Marriage and Divorce, or to any criminal proceeding for the crime of bigamy heretofore committed.

Act not to affect suits pending.

### CHAPTER 33.

An Act to alter the June Term of the Supreme Court in the Counties of Richmond and Inverness.

(Passed the 2nd day of May, A. D. 1865.)

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|---|---|
| 1. Summer Term in Richmond and Inverness—when held. | 2. Portion of Sec. 4, Cap. 123, repealed. |
|   | 3. Section 5—how applied.                 |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Supreme Court shall hereafter sit in the counties of Richmond and Inverness in the Summer Term, as follows, viz. :  
At Arichat on the third Tuesday of June, and at Port Hood on the fourth Tuesday of June.

Summer Term in Richmond and Inverness—when held.

2. So much of section 4 of Chapter 123 of the Revised Statutes as is inconsistent herewith, is repealed.

Portion of Sec. 4, Cap. 123, repealed.

3. Section 5 of said Chapter shall apply to the first section of this act.

Sec. 5—how applied.

### CHAPTER 34.

An Act to change the name of a Polling District in the County of Digby.

(Passed the 2nd day of May, A. D. 1865.)

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|--|---|
| 1. Name of "Lower Cove," changed to "Free Port." | 2. Polling District, No. 5, divided into two. Limits defined. |
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Be it enacted by the Governor, Council, and Assembly, as follows :

1. Lower Cove, in the County of Digby, shall hereafter be called and known by the name of "Free Port."

Name of Lower Cove changed to "Free Port."

2. The polling district Number 5, at Long Island, in the County of Digby, shall be divided into two polling districts. Polling district Number 5 shall comprise the following limits, west of George Tibet's east line, and the polling place shall be at Freeport, at or near the school house. Electoral district Number 13 shall include all persons living east of George Tibet's east line, and the polling place shall be at Petite Passage, at or near Benjamin VanBlaricom's house.

Polling District No. 5, divided into two. Limits defined.

## CHAPTER 35.

## An Act to amend Chapter 95 of the Revised Statutes, "Of River Fisheries."

(Passed the 2nd day of May, A. D. 1865.)

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|--|---|
| 1. Fish way required in all dams,              | 4: Penalty for taking fish within certain limits. |
| 2. Fish ladder—description of, and how placed. | 5. Sec. 11, cap. 95, repealed.                    |
| 3. Definition of terms.                        | 6. Penalty for not providing fish way.            |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. In all dams or obstructions now erected, or hereafter to be erected, across any river or stream frequented by salmon or gaspereaux, either one third of the main channel shall be left open, or a fish ladder shall be placed and kept therein.

2. Such fish ladder shall have a slope of not more than one foot in seven, shall have an opening of not less than three feet in width at the top of the dam, and shall be so placed that there shall at all times be at least one foot in depth of water running over the mouth thereof; the bottom of such ladder to be water-tight and to be covered with stone, and at every six feet pieces of wood or stone to be fastened at right angles to the sides thereof, and to be secured to each side alternately, so as to make the current of water flow from side to side,—the openings to be not less than one foot in width, and the pieces of wood or stone so jutting out from the sides to be not less than two feet in height; the lower end of such fish ladder to be secured to the bottom of the main channel of the river, or otherwise shall be conformable to the model of the fish ladder now deposited in the office of the Provincial Secretary.

3. Whenever the words "waste-gate" or "slopes" occur in the chapter hereby amended, the same shall be construed to mean the fish ladder described in the second section of this act.

4. No fish shall be taken within such fish ladder, nor within the locks of the Shubenacadie Canal, nor within sixty yards therefrom, under a penalty of forty dollars for every offence.

5. Section eleven of Chapter 95 of the Revised Statutes, third series, "Of River Fisheries," is hereby repealed.

6. Every mill owner who shall not erect and maintain a suitable and efficient fish-way, as hereinbefore provided, or shall not leave the channel open, on or before the thirtieth day of September next, shall be liable to a penalty of one hundred dollars; and if any dam now existing, or hereafter to be erected, shall be kept up contrary to this act, the same may be prostrated under the terms and provisions of section thirteen of said chapter.

Fish-way required in all dams.

Fish ladder—description of, and how placed.

Definition of terms.

Penalty for taking fish within certain limits.

Sec. 11, cap. 95, repealed.

Penalty for not providing fish-way.

## CHAPTER 36.

## An Act to provide for defraying certain expenses of the Civil Government of this Province.

(Passed the 2nd day of May, A. D. 1865.)

## 1. \$8055—Civil List.

\$14,000—Crown Land Department.

\$47,840—Revenue Expenses.

\$8100—Halifax Poor Asylum.

\$200—Distressed Seamen.

\$11,451—Steamboats, Packets, and Ferries.

\$71,000—Military Defence.

\$58,750—Post communication.

\$9315—Educational purposes.

\$1373—Relief of Indians.

\$8000—Public Printing.

\$12,000—Gold-fields.

\$16,000—Agriculture.

\$120,000—Railway.

\$3000—Board of Statistics.

\$38,414—Legislative expenses.

\$8621—Transient paupers.

\$49,040—Navigation securities.

\$822—Road damages.

\$135,130—Public works.

\$15,220—Miscellaneous expenses.

\$2000—Immigration.

\$262,400—Roads and Bridges.

2. Aforesaid sums—how paid.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. There shall be granted to his Excellency the Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses :

A sum not exceeding eight thousand and fifty-five dollars, to defray certain charges on the Civil List.

A sum not exceeding fourteen thousand dollars, to provide for the expenses of the Crown Land Department.

A sum not exceeding forty-seven thousand eight hundred and forty dollars, to defray certain charges for the collection and protection of the Revenue.

A sum not exceeding eight thousand and one hundred dollars, towards the expenses of the Halifax Poor's Asylum.

A sum not exceeding two hundred dollars, towards defraying expenses connected with Distressed Seamen.

A sum not exceeding eleven thousand four hundred and fifty-one dollars, for steamboats, packets, and ferries.

A sum not exceeding seventy-one thousand dollars, towards defraying the expenses of the Military Defence of the Province.

A sum not exceeding fifty-eight thousand seven hundred and fifty dollars, to defray the expense of the Post Communication.

A sum not exceeding nine thousand three hundred and fifteen dollars, for certain Educational purposes.

A sum not exceeding one thousand three hundred and seventy-three dollars, to provide for the relief of Indians.

A sum not exceeding eight thousand dollars, towards providing for the expenses of Public Printing.

A sum not exceeding twelve thousand dollars, towards defraying the expenses connected with the management of the Gold-fields.

\$8055—Civil List.

\$14,000—Crown Land Department.

\$47,840—Revenue expenses.

\$8100—Halifax Poor Asylum.

\$200—Distressed seamen.

\$11,451—Steamboats, packets, and ferries.

\$71,000—Military defence.

\$58,750—Post communication.

\$9315—Educational purposes.

\$1373—Relief of Indians.

\$8000—Public printing.

\$12,000—Gold-field.

\$16,000—Agriculture.

A sum not exceeding sixteen thousand dollars, for the encouragement of Agriculture.

\$120,000—Railway.

A sum not exceeding one hundred and twenty thousand dollars, to provide for the expenses of the Provincial Railway.

\$3000—Board of Statistics.

A sum not exceeding three thousand dollars, towards defraying the expenses of the Board of Statistics.

\$38,414—Legislative expenses.

A sum not exceeding thirty-eight thousand four hundred and fourteen dollars, to provide for the pay of the members and officers and contingent expenses of the Legislature.

\$8621—Transient paupers.

A sum not exceeding eight thousand six hundred and twenty-one dollars, to provide for the relief of transient and lunatic paupers.

\$49,040—Navigation securities

A sum not exceeding forty-nine thousand and forty dollars, to provide for certain Navigation Securities.

\$822—Road damages.

A sum not exceeding eight hundred and twenty-two dollars, to pay certain Road damages.

\$135,130—Public works.

A sum not exceeding one hundred and thirty-five thousand one hundred and thirty dollars, to provide for certain Public Works.

\$15,220—Miscellaneous expenses.

A sum not exceeding fifteen thousand two hundred and twenty dollars, to defray certain miscellaneous expenses.

\$2000—Immigration.

A sum not exceeding two thousand dollars, towards the encouragement of Immigration.

\$262,400—Roads and Bridges.

A sum not exceeding two hundred and sixty-two thousand and four hundred dollars, to provide for the great and bye Road and Bridge service.

Aforesaid sum, how paid.

2. The several sums of money before mentioned shall be paid by the Receiver General, by warrant of the Governor in Council, out of moneys now in the treasury, or as payment may be made at the same.



PRIVATE ACTS.



# PRIVATE ACTS.

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## CHAPTER 37.

### An Act to incorporate the Scotia Lodge of Freemasons, Canning.

(Passed the 31st day of March, A. D. 1865.)

1. Incorporation.      2. Real Estate.      3. May collect debts.

Be it enacted by the Governor, Council, and Assembly, as follows:—

1. D. M. Dickie, W. P. Jamieson, Henry Shaw, L. D. V. Chipman, J. G. Newcomb, C. F. Easton, P. M. Brecken, and their associates, Master Masons and members of Scotia Lodge, Number 961, on the registry of the Grand Lodge of England, and such other persons as shall be members of the Lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of "Scotia Lodge of Freemasons, Canning." Incorporation.

2. The Corporation may take, hold, and enjoy real estate not exceeding in value four thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same, as may be deemed expedient. Real estate.

3. The Corporation may collect all arrears due to them under the present bye-laws of the Lodge. May collect debts.

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## CHAPTER 38.

### An Act to incorporate Royal Sussex Lodge of Freemasons, Halifax.

(Passed the 31st day of March, A. D. 1865.)

1. Incorporation.      2. Property, how vested.      Real Estate.      3. May collect debts.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Thomas Jardine, George Gordon, John Allen, Charles A. McFaden, Charles Simpson, and their associates, Master Masons and members of Royal Sussex Lodge, No. 479 on the Registry of the Grand Lodge of England, and such other persons as shall be members of the Lodge, according to the rules Incorporation.

and bye-laws thereof, are hereby incorporated under the name of "Royal Sussex Lodge of Freemasons, Halifax."

Property—how vested.

2. The funds and property of the Lodge are vested in the Corporation, who are authorized to invest the same, on mortgage or otherwise, for the benefit of the Lodge; and the Corporation may purchase, take, and hold real estate to the value of four thousand dollars.

Real estate.

May collect debts.

3. The Corporation may collect all arrears due to them under the bye-laws of the Lodge.

CHAPTER 39.

An Act to enlarge the powers of the Trustees, Governors, and Fellows of Acadia College.

(Passed the 31st day of March, A. D. 1865.)

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|--|--|
| <p>1. Horton Academy placed under control of Trustees, Governors, and Fellows of Acadia College. Name.</p> <p>2. Trustees, &amp;c. Acadia College may assume</p> | <p>property and obligations of Nova Scotia Baptist Education Society.</p> <p>3. Public grants, how applied.</p> <p>4. Committee of Management.</p> <p>5. 2 Vic. cap. 29, repealed.</p> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows:—

Horton Academy placed under control of trustees, Governors, and Fellows of Acadia College. Name.

1. From and after the passing of this act, Horton Academy shall be subject to the control and management of the Trustees, Governors, and Fellows of Acadia College, in the manner hereinafter provided, and shall be called the Horton Collegiate Academy.

Trustees, &c. Acadia College may assume property and obligations of N. S. Baptist Education Society.

2. The Trustees, Governors, and Fellows of Acadia College, are hereby authorised and empowered to accede to the request presented to them by the Nova Scotia Baptist Education Society, and to assume the trusts and obligations of the Society—its real property, assets, and liabilities, being also transferred to them.

Public grants—how applied.

3. Grants from the public revenue in favor of Horton Collegiate Academy, shall be strictly and solely applied to the purposes of the same, as heretofore to Horton Academy.

Committee of Management.

4. The Trustees, Governors, and Fellows of Acadia College, resident in Nova Scotia, shall be constituted a special committee for the management of Horton Collegiate Academy; and they shall report their proceedings from year to year at the annual meeting of the said college, during the session of the Baptist Convention of Nova Scotia, New Brunswick, and Prince Edward Island.

2 Vic. cap. 29, repealed.

5. The Act 2nd Victoria, chapter 29, entitled, "An Act for incorporating the Nova Scotia Baptist Education Society," is repealed.

## CHAPTER 40.

## An Act to authorize the sale of the old Zion Congregational Church, in Liverpool.

(Passed the 31st day of March, A. D. 1865.)

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|--|---------------------------|
| 1. Trustees may sell Church and Lands. | 2. Proceeds, how applied. |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. Stephen Collins, Fady Phillips, Edward McLeod, and Freeman Tupper, trustees of the old Zion Congregational Church in the town of Liverpool, in the county of Queen's County, are hereby authorized to sell and convey in fee simple the lot of land situate in Liverpool aforesaid whereon the said church now stands, together with the buildings thereon; such sale to be by public auction, after thirty days' public advertisement thereof in one or more of the newspapers published in the said county, and by handbills posted on the church and in three other public places in the county.

Trustees may sell church and lands.

2. The net proceeds arising from such sale shall be applied towards the purchase of a site in some central and convenient situation, to be selected by the congregation, and the erection thereon of a new church, for the use of the congregation of the said old Zion Congregational Church.

Proceeds—how applied.

## CHAPTER 41.

## An Act to incorporate the Mira Bay Harbor Company.

(Passed the 31st day of March, A. D. 1865.)

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|---|---|
| 1. Incorporation.                       | 8. Bye-laws.  |
| 2. Capital. Shares.                     | 9. Provisional Directors.                                       |
| 3. Powers vested in company.            | 10. Liability of Stockholders.                                  |
| 4. Real Estate.                         | 11. Books open to inspection.                                   |
| 5. Proceedings to obtain lands.         | 12. List of stockholders to be filed.                           |
| 6. Harbor open for trading purposes.    | 13. Act to determine if works not commenced within three years. |
| 7. First meeting, when held. Directors. |   |

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Marshall Bourinot, Hugh McLeod, junior, and such other persons as they may associate with them, their successors and assigns, are hereby constituted a body politic and corporate, by the name of the "Mira Bay Harbor Company," for the purpose of opening False Bay Lake, by cutting the beach which separates it from Mira Bay, and rendering the passage thus opened navigable.

Incorporation

2. The capital of the company shall be twelve thousand dollars, divided into shares of one hundred dollars each, which

Capital. Shares.

shall be personal property, transmissible and assignable as such; and the corporation shall have power to increase their capital stock to thirty thousand dollars, by the issue of new stock, on the vote of the shareholders.

Powers vested  
in company.

3. As soon as one fourth part of the capital stock above mentioned shall be paid in, the company may proceed to render navigable False Bay Lake, by opening a passage from Mira Bay across the beach to said lake, and to dig, excavate, and deepen said passage, and also so much of said lake as they may deem advisable; they may erect piers, wharves, and shipping places for coal and other commodities on any land owned by the company, or acquired by purchase or otherwise, in and around the shores of said lake; they may construct docks, dams, embankments, and all and every description of structure or excavation calculated to improve the navigation from Mira Bay to False Bay Lake, and up the said lake.

Real estate.

4. The company may hold real estate, not exceeding the value of ten thousand dollars.

Proceedings to  
obtain lands.

5. Whenever it shall be requisite for the construction or maintenance of the works for the improvement of the navigation, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the Directors to apply by petition, with the plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands required, if such owners or occupiers are in the Province, and to be published for the period of one month in two newspapers published at Halifax, and in one newspaper, if any there be, in the County of Cape Breton, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect or cannot agree to make such nomination, then the Judge shall nominate two appraisers, and the Directors shall nominate one appraiser, and the Judge shall, by an order in writing, direct such three appraisers thus nominated to value the lands so required; and the appraisers, having first been sworn before a Justice of the Peace, and their affidavit that they will faithfully make such appraisement annexed to such order, shall, with all convenient speed, proceed to and appraise such land, the appraisement to be in writing, and returned under the hands of the appraisers, or a

majority of them, to a Judge, who may confirm, modify, alter, or reject it, or direct a new appraisement; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owner on such appraisement, to the owners, or, in case of dispute, to such parties as a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation in the office of the Registrar of Deeds, in the County of Cape Breton, who is hereby required to register the same on payment of his fees, shall be considered the owners of such land.

6. The harbor so constructed shall be open for the use of all ships and vessels, and to all persons desirous of using the same for trading purposes, subject to such tolls and regulations as shall be fixed by the company, and approved by the Governor in Council.

Harbor open for trading purposes.

7. The first meeting of the company shall be held at such time and place in this Province as the two above-mentioned corporators may determine, of which time and place notice shall be given in one newspaper published in the County of Cape Breton, if any such there be, and, if not, in two Halifax papers, at least twenty days previous to such meeting, at which or any subsequent meeting the company may be organized by the election of a Board of Directors of not less than three nor more than five, and of whom a majority shall be a quorum.

First meeting, when held.

8. The Directors may make bye-laws for said company not inconsistent with this act and the laws of the Province.

Directors.

Bye-laws.

9. Until the first general meeting of the shareholders herein provided, the persons named in the first section, or their proxies, are authorized unitedly to act as Directors, and proceed with the enterprise, if they shall see fit, until a Board be elected as hereinbefore provided.

Provisional Directors.

10. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater sum in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid in on account of such stock.

Liability of Stockholders.

11. The books of the company shall be open at all times to the shareholders, and also to the examination of such person as the Governor in Council may appoint to inspect them.

Books open to inspection.

12. A list of the stockholders of the corporation, and the number of shares held by each on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed, in the months of May and November in each year, with the Registrar of Deeds.

List of stockholders to be filed.

13. This act shall cease and determine if the contemplated works do not commence within three years from the date of its passing.

Act to determine if works not commenced within three years.

## CHAPTER 42.

An Act further to amend the Act to incorporate the Bank of Yarmouth, Nova Scotia.

(Passed the 31st day of March, A. D. 1865.)

1. General annual meeting—when held.
2. Stockholders may pay up full amount of shares.
3. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

General annual meeting—when held.

1. The general annual meeting of the Stockholders, which by the seventh section of the Act of Incorporation, was directed to be holden on the first Wednesday of March, shall hereafter be holden on the second Wednesday of January in each year.

Stockholders may pay up full amount of shares.

2. If any person holding shares in the capital stock of the Bank shall be willing to pay up the full amount of shares so held by him, it shall be lawful for the Directors at any time within the period limited in the Act of Incorporation for the payment of such stock, to receive the said amount in full payment of any number of instalments.

Acts repealed.

3. So much of the act hereby amended as is inconsistent with this act, is repealed.

## CHAPTER 43.

An Act to incorporate Virgin Lodge of Freemasons, Halifax.

(Passed the 31st day of March, A. D. 1865.)

1. Incorporation.
2. Property vested in corporation. Real estate.
3. May collect debts.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Benjamin Curren, William A. Hesson, William Twining, John A. Sinclair, William S. Symonds and Richard T. Roome, and their associates, Master Masons and members of Virgin Lodge, No. 396, on the registry of England, and such other persons as shall be members of the Lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of "Virgin Lodge of Freemasons, Halifax."

Property vested in corporation.

2. The funds and property of the Lodge are vested in the Corporation, who are authorized to invest the same on mortgage or otherwise, for the benefit of the Lodge, and the Corporation may purchase, take, and hold real estate to the value of four thousand dollars.

Real estate.

May collect debts.

3. The Corporation may collect all arrears due to them under the bye-laws of the Lodge.



## CHAPTER 44.

## An Act to amend the Act to incorporate the Glace Bay Mining Company.

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. It shall be lawful for the Company, by a resolution passed at any general meeting, to increase the capital stock of the company to a sum not exceeding one million of dollars.

Company may increase capital.

## CHAPTER 45.

## An Act to incorporate the Central Mining Company.

(Passed the 18th day of April, A. D. 1865.)

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|--|---|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares. When to go into operation.</li> <li>3. First meeting—how called. Directors. Subsequent meetings. Election of officers.</li> <li>4. Liability of shareholders.</li> </ol> | <ol style="list-style-type: none"> <li>5. Transfer of shares.</li> <li>6. List of stockholders to be filed.</li> <li>7. Service of process.</li> <li>8. Proceedings to obtain land, &amp;c.</li> <li>9. Books open to inspection.</li> <li>10. Act to determine if works not commenced within two years.</li> </ol> |
|--|---|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. William J. Coleman, William H. Pallister, Edward J. Lordly, Edmund Hamilton, Richard Stuart, and John Hunter Duvar, their associates, successors, and assigns, are hereby constituted a body corporate by the name of the "Central Mining Company," for the purpose of searching for, opening, and working coal oil, or other mines and quarries, excepting of the precious metals, and transacting business connected therewith, and holding and conveying real estate, lands, mills, and machinery, and for manufacturing coal oil, or other mineral products, or other purposes connected therewith, and the constructing and making such roads, railroads, and canals, and of enlarging, deepening, and embanking such lakes, ponds, and watercourses, as may be necessary for the transport of coal or other mineral or manufactured substances to the place of shipment, consumption, or transport; and constructing, building, and holding such wharves, docks and piers, as may be necessary for the purposes aforesaid; and to purchase, take, lease, or hire, or otherwise acquire, any lands, or other property; and to do all other matters and things which the company may deem incidental, or conducive to those objects, or any of them.

Incorporation.

2. The capital stock of the company shall be one hundred and twenty thousand dollars, with power to increase the same

Capital.

Shares.

to a sum not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such, to be paid in at such times and by instalments as the business of the said company shall require; and it shall be lawful for the said corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges, or property, in payment of any instalment or instalments, due on any stock subscribed, at such valuation as the company shall decide;— the company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

First meeting—how called.

3. The first meeting of the company shall be held at such time and place within the province of Nova Scotia as any two-thirds of the corporation may determine, of which public notice shall be given in two of the Halifax newspapers, at least twenty days previous to such meeting, at which, or any subsequent meeting, the company may be organized by the election of a board of directors, of not less than three nor more than five, and of whom three shall be a quorum for the transaction of business; all subsequent meetings of the board of directors may be held at such time and place as shall be provided for in the bye-laws; and in their bye-laws they may provide the time and manner of choosing the officers of the said corporation.

Directors.

Subsequent meetings.

Election of officers.

Liability of shareholders.

4. No member of the corporation shall be liable in his person or separate estate for the liabilities of the corporation, to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Transfer of shares.

5. The transfer of shares in the company shall be valid and effectual for all purposes from the time such transfer is made.

List of stockholders to be filed.

6. A list of the stockholders of the company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively, on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer, or copy thereof.

Service of process.

7. The corporators of the company, at the first meeting thereof, shall appoint one of their number as managing director, or shall appoint a recognized manager or agent, resident in the province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such managing director or recognized manager, or agent, shall be filed with the regis-

trar of deeds for the county of Halifax; in default of such appointment, or in the case of doubt, or of the absence or death of the said managing director, or recognized manager, or agent, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee may be posted on some principal building or work of the company, and such service or posting shall be sufficient service on the company.

8. Whenever it shall be requisite in the construction of any road, railroad, or waterway, contemplated by this act, that the company should be invested with the lands over or through which the same shall pass, and contiguous thereto for the track of the road or way, and for stations or landings, and no agreement can be made for the purchase thereof; it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands, or waters required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company, whereupon such judge, being satisfied that the lands or waters are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owners or occupiers of the lands, or waterway, if in the province, and to be published for the period of one month, in at least two newspapers published at Halifax, and also one newspaper, (if there be any), in the county where the lands lie, requiring them to attend at such time and place personally, or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming one other appraiser, and the judge to nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the judge shall, on proof of such publication, or service of such notice, nominate two appraisers, and the said owners one appraiser, and shall, by an order in writing, direct the said three appraisers to value the land or waterway so required; and the appraisers having first subscribed an affidavit in writing, to be sworn to before a justice, of the peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such land or waterway, and shall make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavits to a judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*, and the company upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owner on such appraisement, to the owners, or, in case of dispute, to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisement,

Proceedings to  
obtain land, &c.

and confirmation in the office of the registrar of deeds, in the county in which such lands or waterway lie, who is hereby required to register the same, shall be considered the owners of such lands; and it shall be lawful for the company to make or construct a railway, or waterways, over, across, or under any roads in the line of the projected way, and over, across, or under any railroad or tramroad, and over any rivers, brooks, or streams, subject nevertheless, in such cases, to regulations to be made by the court of sessions, to ensure the safety of the inhabitants and their property.

Books open to inspection.

9. The Books and Accounts of the Company shall, at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act to determine if works not commenced within two years.

10. This act shall cease and determine if effective operations under it shall not be commenced and continued within two years from the date of its passing.

CHAPTER 46.

An Act to incorporate the Caledonia Coal Mining Company.

(Passed the 8th day of March, A. D. 1865.)

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| <ul style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares.</li> <li>3. Company may increase capital.</li> <li>4. When to go into operation.</li> <li>5. First meeting of company. Election of Directors.</li> <li>6. Property liable for debts of company.</li> <li>7. Meetings — when held. Manager or agent. Service of process.</li> <li>8. When to commence operations.</li> <li>9. Proceedings to obtain lands.</li> </ul> | <ul style="list-style-type: none"> <li>10. May hold railway stock.</li> <li>11. May issue bonds for construction of railroad.</li> <li>12. May guarantee bonds of railway company. Mortgages must be recorded.</li> <li>13. May construct railroads.</li> <li>14. Bye-laws.</li> <li>15. May render harbor channel navigable. Piers, breakwaters, &amp;c. List of shareholders to be filed.</li> <li>17. Books open to inspection.</li> </ul> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Joseph H. Converse, Ester Howe, and Gardiner G. Hubbard, all of the City of Boston, their associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the "Caledonia Coal Mining Company," for the purpose of purchasing, holding, leasing, and selling mines, and mining rights, and of opening and working the same in the County of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals, for holding and conveying real estate, mills, and machinery for manufacturing and selling coal oil, and boring and obtaining the same from the earth, and for other the purposes connected therewith, for the constructing and operating railroads and branch tracks, for the transportation of coal, coal oil, and other freights from the mines of the company, or from any other coal

mines in the County of Cape Breton, to one or more places of transshipment, and for the transporting of passengers and freight over such railroad, or railroads, and all other business necessary and usually performed on railroads, for constructing such wharves, docks, and piers; as may be necessary for the business of the company.

2. The capital of the company shall be one million of dollars, divided into twenty thousand shares of fifty dollars each, which shall be personal property and transferrable by assignment recorded in the books of the company.

Capital shares.

3. The Corporation shall have power to increase their capital stock by the issue of new shares by a vote of the majority of the Stockholders in interest. Any coal company, or other corporation, either foreign or incorporated in this Province, may own and transfer any of the stock in said company. And it shall be lawful for the said Corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges, or property, in payment of any instalment or instalments, due in any stock subscribed at such valuations as the company may decide.

Company may increase capital.

4. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

5. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as any three of the corporators named in this act shall determine, of which notice shall be given to the other corporators at least twenty days previous to such meeting, and at this or any subsequent meeting the company may be organized by the election of a Board of Directors, of not less than three nor more than nine.

First meeting of company.

Election of Directors.

6. The joint stock and property alone of the Corporation shall be liable for the debts and engagements of the same; and no title of the company, their assignees, or lessees, nor any incumbrance shall be valid, unless the same shall be duly recorded in the office of the Registrar of Deeds for the county or district where such lands lie.

Property liable for debts of company.

7. The meetings of the company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized manager or agent, resident in this Province; service on whom of all process, notices and other documents, shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are situate; and in default of such appointment, or in case of the absence or death of such agent, such service may be made by affixing a copy upon some conspicuous building or office of the company, within the county where the property is located.

Meetings—when held.

Manager or agent.

Service of process.

8. The company as soon as the same shall have been organized, and the sum of twenty five per cent. paid in on

When to commence operations.

account of the stock taken, may proceed to exercise the powers and privileges herein and hereby conferred upon them.

Proceedings to  
obtain lands.

9. Whenever it shall be requisite in the construction of any railroad, or of any wharves, piers, or docks, contemplated by this act, that the company should be invested with the lands over which the same shall pass, or necessary for the use and enjoyment thereof, and no agreement can be made for the purchase thereof, the Directors may apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court in this Province, setting forth the nature and situation of the land required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; thereupon, such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers, published at Halifax, and also, one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser, but in case such owners do not attend or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and said Directors shall nominate one appraiser, and the Judge shall by an order in writing direct the said three appraisers thus nominated, to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to make such appraisement of the lands in question, and shall make such appraisement in writing and return it under the hands of the appraisers or a majority of them, with such order and affidavit to a Judge, who may conform, modify, alter or reject such appraisement or direct an appraisement *de novo*. And the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expenses of the owners on such appraisement to the owners, or in case of dispute to such parties as the Court or Judge may direct; and registering such order, affidavit, appraisement, and confirmation, in the office of Registrar of Deeds in the county in which said lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

May hold rail-  
way stock.

10. The company may subscribe for, take, hold, and dispose of stock in any other incorporation, organized, or to be organized, having the power to construct a railroad from the mines

of this company, or from the vicinity of the same, to any place or places of transshipment; the company shall be authorized, through its officers, or other agents, as the Board of Directors may appoint, to vote as a stockholder and to exercise all other powers of a stockholder in relation to the stock so held by them in such incorporation.

11. The company shall be authorized and empowered to issue its bonds, secured by a mortgage, on all or any of its property, real or personal, or to lend its credit in any manner they may see fit, or to loan money to aid in the construction of such railroad as is last mentioned.

May issue bonds for construction of railroad.

12. The company shall be authorized and empowered to guarantee and secure the bonds of any such railroad company, issued for the purpose of building any such railroad as last aforesaid, by a pledge or mortgage of all or any of its property, real or personal, or otherwise. Any mortgage issued for the purpose mentioned in this or the preceding section, shall be recorded and have the same effect in all respects as is mentioned in section six of this act.

May guarantee bonds of railroad company.

Mortgages must be recorded.

13. The company may make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases to such regulations, if any, as may be made by the Court of Sessions to insure the safety of the inhabitants and their property.

May construct railroads.

14. The company shall have authority to make all such regulations and bye-laws as they may deem proper, for the management of their business and disposition of their property, not inconsistent with this act and the laws of this Province.

Bye-laws.

15. The company may proceed, either alone or with any other company, to render navigable from the ocean Big Glace Bay Lake, or any other harbor, save that of Little Glace Bay, by deepening, widening, or extending the channel, or by opening new channel and channels. They may erect piers, breakwaters, and shipping places for coal, upon any lands owned by the company, or acquired as herein provided, or upon any land of the Crown, in respect of which such permission shall be granted by the Governor and Council, in and about the shores of such harbor.

May render harbor channel navigable.

Piers, Breakwaters &c.

16. A list of the stockholders of the Corporation and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year; with the Registrar of Deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively, on the first day of the month on which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

List of shareholders to be filed.

Books open to inspection.

17. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

CHAPTER 47.

An Act to incorporate the New Glasgow Marine Insurance Company.

(Passed the 31st day of March, A. D. 1865.)

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| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Real Estate.</li> <li>3. Capital. Shares.</li> <li>4. Liability of stockholders.</li> <li>5. Shareholders to give bonds for residue of stock due.</li> <li>6. Shares—when and how paid.</li> <li>7. Board of management.</li> <li>8. First meeting—when held.</li> </ol> | <ol style="list-style-type: none"> <li>9. Minute-book to be kept. Shall be evidence.</li> <li>10. Subscription book open to inspection.</li> <li>11. Operations of company—when to commence. Amount of risks limited.</li> <li>12. Surplus capital may be invested, and how.</li> <li>13. Books to be open to inspection.</li> <li>14. Restriction to issue of new policies.</li> <li>15. Company—how dissolved.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. James W. Carmichael, Donald McDonald, George W. Underwood, James Fraser, Downie, John Miller, Angus Chisholm, Daniel Chisholm, Finlay Cameron, Roderick McGregor, John M. P. Fraser, John R. Carmichael, and Henry Dunbar, and such other persons as now are or hereafter may become shareholders in the company hereby established, their successors and assigns, shall be a body corporate, by the name of the New Glasgow Marine Insurance Company, for the purpose of conducting the business of Marine Insurance at New Glasgow, in the county of Pictou.

Real estate.

2. The company may purchase, take, and hold real estate, not to exceed in value four thousand dollars.

Capital.

3. The original capital stock of the company shall be thirty thousand dollars, which may be subsequently increased by vote of the shareholders to sixty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be numbered in regular progression ; but no member of the company shall hold more than twenty-five shares at one time.

Shares.

Liability of stockholders.

4. No member of the Corporation shall be liable, on account of the debts of the company, to a greater amount in the whole than double the amount of the stock held by him, deducting the moneys paid thereon to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming security for the debts of the company.

Shareholders to give bonds for residue of stock due.

5. Every shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the company either a bond with a mortgage on real estate to accompany the same, or a bond with two



sufficient sureties, such bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls, to become due or payable on the shares held by him, which securities shall be subject to the approval of the majority of the persons named in this act, until the Board of Directors shall be chosen, and afterwards to the approval of such Board.

6. All calls or instalments, on account of the shares, shall be paid by the several shareholders at such time and in such equal proportions as the Directors shall appoint, and notice of the times and places of paying such calls, shall be given by them by advertisement in at least two of the Halifax newspapers, thirty days at least previous to the time of payment.

Shares—when and how paid.

7. The management of the affairs of the company shall be conducted by a Board to consist of a President and six Directors, and the necessary officers of the company shall, in addition thereto, consist of a Secretary, two Auditors, or Examiners of the accounts of the company, and such other officers and servants as the company shall, by their bye-laws, direct.

Board of management.

8. So soon as three hundred shares are subscribed, the company may hold their first meeting.

First meeting—when held.

9. The proceedings of every general or special meeting of the company shall be entered by the Secretary, or such other person as shall attend in his place, in a book to be kept for that purpose, and shall then be signed by the Chairman of the meeting, and being so entered and signed, shall be deemed to be the original orders of the company, and, when proved, shall be legal evidence thereof, which book shall be kept at the office of the Secretary, and shall be open to the inspection of any persons who may desire the same, at all reasonable times, without fee.

Minute-book to be kept.

Shall be evidence.

10. The Secretary shall keep in his office a book containing a record of the original subscriptions of stock, and of all additions thereto, and of all alterations in the ownership thereof, together with the amounts paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved, shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire the same, at all reasonable times, without fees.

Subscription book open to inspection.

11. When the whole original capital shall have been subscribed, and the sum of seven thousand and five hundred dollars shall have been actually paid to the company by the proprietors of shares, and sufficient securities shall have been given by them for the balances thereof, the Directors may, at their office, in New Glasgow, commence and conduct the business of Marine Insurance in all its branches, and may make insurance on all subjects of Marine Insurance whatsoever, and may transact all matters of the business of a Marine Insurance, Broker, Insurer, or Underwriter; but until the expiration of

Operations of company—when to commence.

Amount of risks limited.

one year from the time when the company shall commence the business of insurance, no greater sum than four thousand dollars, and after the expiration of the year, no greater sum than eight thousand dollars in the whole shall be insured by the company, and be at risk at the same time upon any one ship or vessel, her cargo, freight, or other interest therein, depending on the same risk.

Surplus capital may be invested—and how.

12. Any of the paid up capital of the company, not considered necessary to be kept on hand for the payment of losses or expenses, shall be kept invested at interest upon approved securities, as mentioned in the fifth section, or in public funds, bank, or other stocks, in the names of the company; but no part thereof, beyond the sum absolutely necessary for procuring the necessary buildings for the purpose of conducting the business of the company, shall be invested in real estate, nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels; but mortgages of other personal property may be held by the company to secure a debt; nor shall the funds of the company be employed in merchandize; nor shall the company carry on trade as a merchant; nor shall any dividend be made of any part of the capital stock; nor shall any part of the capital stock be loaned, directly or indirectly, to any director of the company; nor shall any director be a party to any security for any such loan; and no stockholder, to whom any part of the capital stock shall have been lent, shall be eligible as a director during the continuance of such loan.

Books to be open to inspection.

13. The books of the company shall be at all times open to the examination of such persons as the Governor in Council shall appoint to inspect the same; and before any policy of insurance shall be issued by the company, the securities upon which the capital stock and the balance of the unpaid stock of the company shall have been invested or secured, shall be first approved by the Governor in Council.

Restriction to issue of new policies.

14. If the capital stock shall, by any means, be wholly expended, or claims against the company shall be outstanding, unsettled, equal to the existing available capital of the company, then it shall not be lawful for the company to make or issue any new policies of insurance; and in case the President or Board of Directors shall issue any such new policy, they shall be personally liable for any loss arising thereunder.

Company—how dissolved.

15. The company may be dissolved upon the extent of their losses becoming equal to the available capital stock of the company, or upon the vote of proprietors holding three-fourths of the shares of the company.

## CHAPTER 48.

## An Act to incorporate Clyde Coal and Mining Company.

(Passed the 8th day of March, A. D. 1865.)

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| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital—Shares.</li> <li>3. First meeting—when held. Directors.</li> <li>4. Liability of Stockholders.</li> <li>5. Directors may issue stock for purchase of mines, &amp;c.</li> <li>6. Company may hold Railway stock.</li> </ol> | <ol style="list-style-type: none"> <li>7. Meetings—when held. Agent. Service of process.</li> <li>8. Subscription books.</li> <li>9. Proceedings to obtain lands.</li> <li>10. List of Stockholders to be filed.</li> <li>11. May construct railroads.</li> <li>12. May render harbor channels navigable and erect wharves.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

1. Alexander Campbell and John Campbell, both of Nova Scotia, Jervis Langdon, of Elmira, New York, Joseph J. Albright, of Scranton, Pennsylvania, and Samuel W. Barnard, of the City of New York, their associates, successors, and assigns, are hereby constituted a Corporation and body politic, by the name of "The Clyde Coal and Mining Company," for the purpose of opening and working coal mines in the county of Cape Breton, shipping and selling coal, and generally transacting all business connected therewith, and purchasing, holding, conveying and selling real estate, lands, personal property, mills and machinery, and for manufacturing coal oil, smelting and manufacturing of iron, and for other purposes, connected therewith, and the constructing, making and operating such railroads, railways and branch tracks, as the Corporation may deem necessary for the transportation of coal and merchandize from and to the mines, factories, and places of shipment, and all other business and operations necessary and usually performed on railroads, and for constructing, maintaining and holding such wharves, docks, bulkheads, cranes, piers, buildings, workshops, structures and erections as may be necessary, or deemed necessary by the company for the working and operating of mines, railroads, and manufactories, and the protection and safety of shipping, the convenient shipping and transportation of coals, coal oil, and merchandize, and the transaction of business connected with mines, manufacture of coal oil, and operation of railroads, and the transaction of the business of the company, and the company shall have all the powers necessary to carry out, perform and fulfil all the purposes aforesaid.

2. The capital of the company shall be one million of dollars, in shares of not less than fifty dollars each, and which shall be personal property, transmissible and assignable as such, and the Corporation shall have power to issue mortgage bonds from time to time, bearing interest at a rate not exceeding six per cent., payable semi-annually in New York or Halifax, if the

issue of such mortgage bonds be advisable, and so decied by a vote of at least two-thirds of the stockholders. But the company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

First meeting—  
when held.

3. The first meeting of the company shall be held at such time and place in the Province, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given in two of the Halifax newspapers, at least twenty days previous to such meeting, or at any subsequent meeting; the company may be organized by the election of a Board of Directors, of not less than three nor more than nine, of whom three shall be a quorum, who shall have the management of the affairs and property of the company, and make such bye-laws and regulations as may be necessary for carrying on the business of the company, subject to the approval of the majority of the stockholders.

Directors.

Liability of  
stockholders.

4. No member or stockholder of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Directors may  
issue stock for  
purchase of  
mines, &c.

5. The Directors of the company may from time to time issue shares of stock, as they may deem necessary, for the purchase of mines, lands, and other property, for the purposes aforesaid, or for the improvement of their property, at such times and in such amounts as may be deemed necessary or advisable by the majority of the stockholders; and stock thus issued for the purpose of mines, lands, and other property so purchased by said company, or applied in payment for improvements made to their property, shall be taken to be, and is hereby declared to be, full stock, the same as if paid for by the holder in cash; and such stock, so issued, and used for the purpose aforesaid, shall not be subject to any further calls; nor shall the holder or holders be liable for any payment on account thereof.

Company may  
hold Railway  
stock.

6. The Directors of said company, by a vote of two-thirds of the Stockholders, may subscribe in the name of the company, for stock to such amount as they deem advisable in any railroad company, or company for harbor improvements, and may pay for stock thus subscribed either with the property or assets of the corporation, or by the issue of mortgage bonds, or with stock in the company hereby incorporated; and for that purpose mortgage bonds may be issued, if deemed advisable, by a vote of at least two-thirds of the stockholders, for the purpose of paying for stock subscribed in other companies, as aforesaid, —the stock thus used in payment of stock subscribed in the company, as aforesaid, shall be taken to be, and is hereby declared, full stock, the same as if paid for by the holder or holders thereof in cash, and shall not be subject to further calls,

nor shall either holder or holders thereof be liable for any payment on account thereof.

7. The meetings of the company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized manager, or agent, resident in the province, services on whom of all process, notices, and other documents, shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are situated, and in case of the absence of such agent from the province, or doubt of absence, service of process may be made by leaving a copy in the principal office of said company within the county where the property is located, with some person in said office of suitable age and discretion, having charge thereof, or if said principal office is permanently or continuously closed, so as not to admit of such service in the manner last aforesaid, then such service may be made by affixing a copy upon some conspicuous part of the principal building or office of the company within the county where the property is located.

Meetings, when held.

Agent.

Service of process.

8. The corporation may open books for the subscription of stock in one or more places out of the province, as also books for transference of stock; may also appoint officers for the same, and paying interest and dividends for the whole or any part of the stock with agencies and branch offices, for the purposes of their incorporation.

Subscription books.

9. Whenever it shall be requisite in the construction or maintenance of the works of this company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase of such land required, it shall be lawful for the Board of Directors of this company to apply, by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the circumstances and the nature and situation of the lands required, the names of the owners or occupiers thereof, so far as the Board of Directors can ascertain the same, and the owners or occupants whose names they cannot ascertain, to be therein alleged as unknown owners or occupants, as the case may be, praying a conveyance of the land to the company, whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month in at least two newspapers, published in Halifax, and also one newspaper in the county where the lands lie, (if there be any) requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser and such owners to unite in naming another appraiser, and the

Proceedings to obtain lands.

Judge shall nominate a third appraiser ; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and the Directors shall nominate one appraiser, and the Judge shall, by an order in writing, direct the said three appraisers thus nominated to value the land so required ; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to appraise such land, and shall make such appraisement, in writing, under the hands of the appraisers, or a majority of them, and return it with such order and affidavits to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct a new appraisement ; and the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expense of the owner on such appraisement to the owners, or in case of dispute, to such parties as the court or a judge may direct, and registering such order, affidavit, appraisement, and confirmation, in the office of Registrar of Deeds in the county where the lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

List of shareholders to be filed.

10. A list of the Stockholders of the company, and of the number of shares held by each of them on the first day of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds in the county where the principal works of the company are situated, such certificates to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed ; and it shall not be necessary to file any other certificate of transfer or copy thereof.

May construct railroads.

11. The Corporation may make or construct one or more railways or railroads, and may make and construct for its own use such railways, if deemed expedient, over, on, and across any other railroad or tramroad, and on, over, and across any rivers, brooks, streams or bays, subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions for the safety of the inhabitants and their property.

May render harbor channels navigable, and erect wharves, &c.

12. And the said company may proceed alone, or with any other company, to render navigable from the ocean, Big Glace Bay Lake, or any other harbor, by deepening, widening, and extending the channel, or by opening a new channel or channels, provided they do not interfere with private rights ; and shall first obtain leave from the Governor and Council to execute works on property vested in the Crown ; they may erect piers, wharves, breakwaters, and shipping places for coal, upon any lands owned by the company or acquired by them, as

hereinafter provided, or upon any land of the Crown, in respect of which permission shall be granted by the Governor and Council, on or about the shores of said harbor.

## CHAPTER 49.

### An Act to incorporate the Acadia Boot and Shoe Manufacturing Company.

(Passed the 31st day of March, A. D. 1865.)

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|--|--|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Real Estate.</li> <li>3. Property and business—how managed.</li> <li>4. Capital Stock.</li> </ol> | <ol style="list-style-type: none"> <li>5. Company when to go into operation.</li> <li>6. Liability of Shareholders.</li> <li>7. Bye-laws and list of Shareholders to be recorded.</li> </ol> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Cathcart Thomson, John P. Mott, Edward Smith, John Tobin, Thomas C. Kinnear, and such other persons as shall become proprietors of shares in the corporation hereby established, their successors and assigns, are hereby constituted a body corporate by the name of "The Acadia Boot and Shoe Manufacturing Company." Incorporation.

2. The company shall not hold, at one time, real estate of greater value than twenty thousand dollars. Real Estate.

3. 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. Property and business—how managed.

4. The capital shall be limited to the sum of fifty thousand dollars, to be divided into shares of one thousand dollars each ; but whenever it shall become necessary the company may, at any general meeting, by a bye-law, to be sanctioned by the Governor in Council, increase the capital stock of the company to a sum not exceeding one hundred thousand dollars. Capital stock.

5. The company shall go into operation as soon as thirty shares have been subscribed, and ten thousand dollars actually paid on account thereof. Company when to go into operation.

6. No shareholder shall be liable for the debts of the company in his person or separate estate to a greater amount in the whole than double the amount held by him, deducting therefrom the amount actually paid to the company on account of such shares, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company. Liability of Shareholders.

7. A copy of the bye-laws and list of the shareholders shall be registered in the office of the Registrar of Deeds at Halifax. Bye-laws and list of Shareholders to be recorded.

## CHAPTER 50.

## An Act to incorporate the Sydney and Louisburg Railway Company.

(Passed the 8th day of March, A. D. 1865.)

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| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares.</li> <li>3. When to go into operation. Powers.</li> <li>4. Liability of stockholders.</li> <li>5. Directors. Meeting of Board of Directors.</li> <li>6. List of stockholders to be filed.</li> <li>7. Agent. Service of process.</li> <li>8. Proceedings to obtain lands.</li> <li>9. Books open to inspection.</li> </ol> | <ol style="list-style-type: none"> <li>10. Railroad must be commenced within three years.</li> <li>11. Railway may cross roads, &amp;c.</li> <li>12. Corporation may borrow money.</li> <li>13. Stock may be held by other corporations.</li> <li>14. Sinking fund.</li> <li>15. Act to incorporate Louisburg Railroad Company repealed.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. John Jacob Astor, junior, Robert Belloni, William K. Strong, Joseph H. Converse, James W. Emery, Ester Howe, Alvin C. Morton, Jervis Langdon, Joseph H. Scranton, Joseph J. Albright, Daniel P. Ingraham, Louis J. Belloni, junior, and such other persons as shall become shareholders in the company hereby created, their successors and assigns, are hereby constituted a body politic, by the name of the Sydney and Louisburg Railway Company, for the purpose of constructing a railway from the township of Sydney to the township of Louisburg, in the Island of Cape Breton, or such portion thereof, from time to time, as the company may determine, and such branch roads as the company may desire, and for transacting business connected therewith, and for constructing such wharves, docks and piers, as may be necessary for the storing and shipment of coal and other articles.

Capital shares.

2. The capital of the company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, with power to the company to increase the amount to two million of dollars from time to time, by a vote of the majority of the Directors.

When to go into operation.

3. The company, as soon as the same shall have been organized and the sum of twenty five per cent. of the stock paid in, may proceed to construct the said railroad above named, or such portions thereof as the Board of Directors may determine.

Powers.

They may construct such railroad and branch tracks, erect wharves, piers, breakwaters and shipping places upon any land owned by the company, or required, as hereinafter provided.

Liability of stockholders.

4. No stockholder shall be liable in his person or separate estate for the liabilities of the Corporation to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered him-



self liable for a greater amount by becoming surety for the debts of the company.

5. The Board of Directors of the company shall consist of twelve persons, viz.: John Jacob Astor, junior, Robert Belloni, William K. Strong, Joseph H. Converse, James W. Emery, Ester Howe, Alvin C. Morton, Jervis Langdon, Joseph H. Scranton, Joseph J. Albright, Daniel P. Ingraham, and Louis Belloni, junior, shall constitute the first Board of Directors, and shall hold office for one year from the passage of this act, and until their successors are elected. The first meeting of the Board of Directors shall be held at such time and place in this Province or in the United States of America, as a majority thereof shall determine, of which public notice shall be given in two of the newspapers published in Halifax, in this Province, at least twenty days before such meeting, at which, or any subsequent meeting, the Corporation may be organized, by the adoption of bye laws and the election of officers. All subsequent meetings of the Board of Directors may be held at such place in this Province, or in the United States, as the Board of Directors in their bye laws shall direct; and they may in their bye laws provide the time and manner of choosing the directors and officers of the Corporation, and for supplying any vacancy among the directors, and make any other rules, regulations and provisions for the management of the business and affairs of the Corporation, not inconsistent with the charter and the laws of this Province.

Directors.

Meeting of Board of Directors.

6. A list of the stockholders of the Company, and of the number of shares held by each of them on the first day of January, in each year, certified under the hands of the President and Secretary, shall be filed in the month of January in each year, with the Registrar of Deeds in the county where the principal works of the company are situated, such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificates of transfer or copy thereof.

List of Stockholders to be filed.

7. The company, through their Directors, or otherwise, shall appoint a recognized agent or manager, resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county where the principal works of the company are situated. In default of such appointment, or in case of the absence or death of the agent, or his absence from the Province, process, notices, and documents may be served on any officer of the company, or for want of such officer, may be posted on some principal building of the company; and such services or posting, shall be deemed a sufficient service on the company.

Agent.

Service of process.

Proceedings to  
obtain lands.

8. Whenever it shall be requisite in the construction of the railroad, or any part thereof contemplated by this act, that the company should be invested with the lands over which the same shall pass, and contiguous thereto, for the track of the road, and for stations, wharves and piers, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply, by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company, whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers, published at Halifax, and in one newspaper of the county where the land lies, if there be any, requiring them to attend at such time and place, personally or by attorney, and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication, nominate two appraisers, and shall, by an order in writing, direct the said three appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to, and appraise such land, and shall make such appraisement, in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*,—and the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expenses of the owners on such appraisement to the owners, or in case of dispute, to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Books open to  
inspection.

9. The books and accounts of the company shall, at all times, be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Railroad must  
be commenced  
within three  
years.

10. This act shall cease and determine if the railroad shall not be effectually commenced within three years from the passage of this act.

11. It shall be lawful for the company to make or construct a railway over or under, or across any roads in the line of the projected railroad, and over, or under, or across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions, to ensure the safety of the inhabitants and their property.

Railway may cross roads, &c.

12. The Corporation shall have power to borrow money for the purpose of building and equipping their said road, and for erecting wharves and piers, and to issue bonds for the same at the rate of not more than six per cent. interest, and to sell and dispose of said bonds as they may think best for the interest of the company. The Corporation shall have authority to execute a mortgage upon their railroad and upon their rolling stock and equipments; to be put on the same or upon all or any portion of their property, to one or more Trustees, to secure the bonds last named, such mortgage or mortgages shall be recorded in the office of the Registrar of Deeds for the County of Cape Breton, and from the time of recording shall become a lien on the property mentioned therein, prior to all other unrecorded claims or liens. The interest and principal of said bonds may be made payable in Halifax, London or New York, or part in either of said places, and any Corporation may take and hold the same.

Corporation may borrow money.

13. Any other Corporation, foreign or incorporated in this Province, may take and hold and transfer stock in the said railroad company, and shall be authorized, through its officers or agents, as the Directors of the same shall appoint, to vote as a stockholder and to exercise all the powers of an individual stockholder in relation to the stock so held by such Corporation.

Stock may be held by other corporations.

14. The Directors shall, after the completion and commencement of business on said railway, reserve annually from the earnings thereof an amount which shall constitute a sinking fund, which shall be adequate with accruing interest thereon to the extinguishment of all the bonds issued by said company at or before the time said bonds shall mature. The amount so reserved for such sinking fund shall not be used by the company for any business purpose, but shall be invested from time to time in the purchase of the bonds of the company, or in such securities as the said Trustees may approve.

Sinking fund.

15. The Act passed during the last session of the General Assembly, entitled, "An Act to incorporate the Louisburg Railway Company," is hereby repealed.

Act to incorporate Louisburg Railroad Company repealed.

## CHAPTER 51.

## An Act to incorporate the Halifax Industrial School.

(Passed the 18th day of April, A. D. 1865.)

## Preamble.

1. Incorporation.
2. Real Estate.
3. Members.
4. Management.

## 5. Present officers continued.

## 6. Donations—how invested.

## 7. General meeting.

## 8. President may call meetings.

Preamble.

Whereas a number of persons have associated themselves together for the purpose of assisting and educating poor and friendless Boys, and have purchased a house and premises, as a Home for such boys, and it is desirable that for the purpose of holding such real estate and generally managing their affairs with greater ease and advantage, the said society should be incorporated.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. James DeHaviland, Charles Cogswell, Philip Carteret Hill, John S. McLean, Westcote W. Lyttleton, William Sawers Sterling, George R. Anderson, Richard Tremain, John B. Young, A. K. Doull, James Belcher, W. D. Thomson, and all other such persons as now are members of the society called "The Halifax Industrial School," and their successors, shall be a body corporate, by the name of "The Halifax Industrial School."

Real estate.

2. The Corporation may hold real estate, not exceeding the value of ten thousand dollars, for the uses and purposes of the society.

Members.

3. All persons admitted, pursuant to the bye-laws of the Corporation, shall be members of the society.

Management.

4. The society shall be governed and its affairs managed by a committee of not less than nine persons, comprising a President, Secretary, Treasurer, and such other officers as the society may deem proper.

Present officers continued.

5. The persons who now hold the offices of President, Committee, Secretary, and Treasurer, shall continue to hold such offices until their successors shall be elected, under this act.

Donations—how invested.

6. All donations to the society shall be invested or disposed of, under the direction of the committee, for the benefit of the society; and the committee shall be bound to account to the society for all their acts, receipts, and expenditures, and to make annual report to the society, at its general meeting, of the progress and state of the society, and of its affairs generally.

General meeting.

7. A general meeting of the society shall be held once in each year, and as much oftener as may be directed by any rule or bye-law of the society.

8. The committee shall be summoned to meet as often as the President may deem it necessary, or as often as may hereafter be directed, by any rule or bye-law of the society. President may call meetings.

## CHAPTER 52.

An Act to change the name of William Henry Henderson, Dorcas Henderson, and Frances Ann Henderson.

(Passed the 18th day of April, A. D. 1865.)

Preamble.

Change of Names.

Whereas, the said William Henry Henderson has prayed that for family reasons and arrangements, and in view of property being devised, which his family wish to be in the name of Hinde, his name and that of the said Dorcas Henderson, his wife, and Frances Ann Henderson, his only child, should be changed to Hinde. Preamble.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. The name of William Henry Henderson, of Liverpool, in the county of Queen's County and Province of Nova Scotia, gentleman, of Dorcas Henderson, his wife, and Frances Ann Henderson, his daughter, shall be changed to William Henry Hinde, Dorcas Hinde, and Frances Ann Hinde, and, after the passing of this act, the said William Henry Henderson, Dorcas Henderson, and Frances Ann Henderson, shall be legally known and called by the name of William Henry Hinde, Dorcas Hinde, and Frances Ann Hinde. Change of names.

## CHAPTER 53.

An Act to incorporate "The Trustees of Trinity Church, in Halifax," in connection with the Church of England.

(Passed the 31st day of March, A. D. 1865.)

Preamble.

1. Incorporation.
2. Trustees—powers of.

3. The Lord Bishop a Trustee *ex officio*.  
Vacancies—how filled. Proviso.

Whereas, the members of the Church of England, in the City of Halifax, are intending to erect a Church in the said city, to be called "The Church of the Holy Trinity," of which the seats shall be free and unappropriated for ever. Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Lord Bishop of Nova Scotia, the Hon. Mather B. Almon, the Hon. John W. Ritchie, P. C. Hill, W. Cunard, G. C. Harvey, and W. C. Silver, Esquires, and their successors, Incorporation.

duly appointed, as hereafter provided, are hereby constituted a body politic and corporate, by the name of "The Trustees of Trinity Church, in Halifax."

Trustees—  
powers of.

2. The site of the said Church shall be vested in the said Trustees and their successors, and such Trustees, or a majority of them, shall exercise with respect to the said Church and the congregation assembling therein, all the functions belonging to Church Wardens and Vestries of the Church of England in this Province, and shall moreover nominate the minister or ministers for the said Church, whenever a vacancy shall occur.

The Lord Bishop  
op a trustee *ex*  
*officio*.  
Vacancies—  
how filled.

3. The Lord Bishop of Nova Scotia, for the time being, shall always be a Trustee by virtue of his office; and any vacancy, caused by the death, resignation, or removal of any Trustee, other than the said Bishop, shall be filled up by the remaining Trustees, or a majority of them; the new Trustee, so to be elected, to be a member of the Church of England. Provided always, that if the said Trustees shall not have filled up any such vacancy in the Board of Trustees after the lapse of six months, the Rectors of the three parishes in Halifax, of St. Paul, St. George, and St. Luke, or the majority of them, shall nominate and appoint a fit and proper person to be a member of the Corporation hereby created.

Proviso.

## CHAPTER 54.

An Act to increase the Capital Stock of the Nova Scotia Electric Telegraph Company.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

Capital stock may be increased \$150,000.

Preamble.

Whereas, the capital stock of the said company has been expended, and in order to enable the said company and their lessees to provide for additional lines of telegraph, made, or to be made, pursuant to the act of incorporation, and the acts in amendment thereof, it is expedient to authorize an increase of the capital stock of the said company.

Be it enacted by the Governor, Council, and Assembly, as follows :

Capital stock  
may be in-  
creased \$150,000

1. Whenever, for the purpose of providing for such additional lines of telegraph, made, or to be made, the President and Executive Committee of the said company may deem it necessary to issue additional shares, it shall be lawful for the said President and Executive Committee, from time to time, to increase the capital stock of the said company to an amount not exceeding in the whole one hundred and fifty thousand dollars, and thereupon to issue stock certificates for the said additional shares, upon such terms and conditions as may be fixed by the said Executive Committee.

## CHAPTER 55.

## An Act to amend the Act to incorporate the Block House Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Block House Mining Company is hereby authorized to guarantee the bonds of the Sydney and Louisburg Railroad Company by endorsement thereon, or by executing such documents as may be necessary to carry into effect such guarantee.

Company may guarantee bonds of Sydney and Louisburg Railroad Co.

## CHAPTER 56.

## An Act to incorporate the Royal Hotel Company.

(Passed the 2nd day of May, A. D. 1865.)

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|--|--|
| <p>Preamble.</p> <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Company may hold real estate.</li> <li>3. Capital. Shares,</li> <li>4. Liability of shareholders.</li> </ol> | <ol style="list-style-type: none"> <li>5. Directors.</li> <li>6. Votes of shareholders. Proxies.</li> <li>7. Who may be Directors.</li> <li>8. First meeting—when called.</li> </ol> |
|--|--|

Whereas, sundry persons have associated themselves together, for the purpose of erecting and carrying on a public hotel for the accommodation of travellers, and for the greater facility of managing their affairs and holding real estate, it is expedient to incorporate them, —

Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Honorable Mather Byles Almon, the Honorable Alexander Keith, William Cunard, Thomas Clifford Kinnear, John Tobin, Andrew M. Uniacke, and Benjamin Wier, Esquires, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, shall be a body corporate by the name of "The Royal Hotel Company."

Incorporation.

2. The company may hold real estate not exceeding one hundred thousand dollars in value.

Company may hold real estate.

3. The capital stock of the said company shall be one hundred thousand dollars, in one thousand shares of one hundred dollars each; but the same may be increased to one hundred and fifty thousand dollars, by a majority of the shareholders, at any meeting duly called for that purpose; but the company shall not go into operation until one thousand shares shall be subscribed, and the sum of twenty-five thousand dollars actually paid in on account thereof.

Capital. Shares.

Liability of  
shareholders.

4. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Directors.

5. The said company shall be managed by seven Directors, who shall be chosen annually, and who shall appoint a President, Secretary, and Treasurer, and all such other officers as may be found necessary for carrying on the affairs of the said company.

Votes of share-  
holders.

6. At all meetings of the shareholders, whether annual or special, each shareholder present shall be entitled to one vote for every share held by him, and absent shareholders may vote by proxy, in writing, which shall be filed with the Secretary, and such proxy shall only be held by a shareholder of the company; but no shareholder shall hold more than three proxies.

Proxies.

Who may be  
Directors.

7. No person shall be eligible as, or continue to be, a Director, unless such person be a shareholder, and holding and owning not less than five shares of the capital stock of the said company.

First meeting—  
when called.

8. The persons who are now acting as President, Directors, and Secretary of the said company shall call the first meeting, and continue to act as such until an election shall take place under this act, and shall have all the power and authority of President, Directors, and Secretary, under this act.

## CHAPTER 57.

## An Act to incorporate the Trustees of the Presbyterian Ministers' Widows' and Orphans' Fund.

(Passed the 18th day of April, A. D. 1865.)

Preamble.

1. Incorporation.
2. Monies vested in Corporation.
3. Monies—how invested.

4. Corporation, with consent of Synod, may make Bye-laws. &c.
5. Synod may appoint additional Trustees.
6. Vacancies—how filled.
7. Trustees may hold real estate.

Preamble.

Whereas, the Presbyterian Churches of the Lower Provinces of British North America have recently adopted certain proceedings with the view of raising a fund for the support of the widows and orphans of the ministers of said Church; and whereas, it is desirable that any funds raised or to be raised for that purpose, shall be vested in and managed by Trustees.

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. The Rev. David Ray and John Stuart, of New Glasgow, James Bayne, of Pictou, Duncan B. Blair, of Barney's River,



George Patterson, of Green Hill; Hugh McLeod, of Sydney, George Sutherland, of Charlottetown, in the Island of Prince Edward, William Meynell, of Halifax, Alexander L. Wylie, of Londonderry, Thomas Scdgewick, of Tatamagouche, and Roderick McGregor, of New Glasgow, Esquire, and Howard Primrose, of Pictou, Esquire, are hereby incorporated under the name of the Trustees of the Presbyterian Ministers' Widows' and Orphans' Fund."

2. All monies raised, or to be raised, for the purposes of said fund, are hereby vested in the Corporation. Moneys vested in corporation.

3. The Corporation are authorized to invest moneys on mortgage bonds, debentures, or other securities, for the purposes of the said fund. Moneys—how invested.

4. The Corporation may subject to the approbation of the Synod, make bye-laws for the regulation of the said fund, prescribe the terms of admission to the benefit thereof, and, generally, for the management, investment, collection, disbursement, appropriation, and distribution of the said fund, and of all matters connected therewith, which may be necessary or expedient with a view to carry out the object for which the said fund was organized. Corporation, with consent of Synod, may make bye-laws. &c.

5. It shall be lawful for the Synod, at any regular annual meeting, to appoint any number, not exceeding six, to be additional Trustees, and on such appointment being duly made and certified by the Clerk of Synod, the persons so appointed shall thenceforth be Trustees in the same manner as if named in this act. Synod may appoint additional trustees.

6. Vacancies in the trust, by death, resignation, or otherwise, shall be filled by the Synod at its regular annual meeting. Vacancies—how filled.

7. The Trustees may hold real estate by devise, gift, purchase or otherwise, for the purposes of this act. Trustees may hold real estate.

## CHAPTER 58.

### An Act to incorporate the Oak Point Pier Company.

(Passed the 2nd day of May, A. D. 1865.)

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|--|--------------------------|
| 1. Incorporation.  | 3. Capital. Shares.      |
| 2. Company may erect pier. Wharfage, &c., fixed by Sessions. | 4. Directors—how chosen. |
|  | 5. Bye-laws.             |

Be it enacted by the Governor, Council, and Assembly, as follows:

1. B. B. Woodworth, J. E. Woodworth, Ebenezer Cox, W. O. Cox, Isaac W. Cox, Samuel Borden, Elias Cox, Walter Witt, Abraham Bigelow, and such other persons as now are or may become shareholders in the company hereby established, their successors and assigns, are hereby created a body corporate by the name of the Oak Point Pier Company. Incorporation.

Company may erect pier.

2. The company may erect a public pier or breakwater at Oak Point, in Cornwallis, upon any land or beach set apart by the sessions of King's County for the erection of a public wharf, which wharf or pier shall be open and free at all times for the use of boats, steamboats, and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of wharfage and dockage as shall be fixed by the sessions for the county.

Wharfage, &c., fixed by Sessions.

Capital.

3. The capital of the company shall not exceed four thousand dollars, to be divided into shares of twenty dollars each.

Shares.

Directors—how chosen.

4. The company shall be managed by a President, five Directors, a Secretary, and Treasurer, to be chosen annually by the shareholders.

Bye Laws.

5. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions, and recorded in the office of the Registry of Deeds for King's County.

CHAPTER 59.

An Act to incorporate the Domestic Missionary Board of the Western Baptist Association of Nova Scotia.

(Passed the 2nd day of May, A. D. 1865.)

1. Incorporation.

2. May hold real estate, &c.

3. Corporation to hold all property. Private rights.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. The Rev. Nathaniel Vidito, the Rev. George Armstrong, William H. Chipman, Walter Ricketson, J. W. Haley, Avard Longley, Israel Longley, Asaph Marshall, Hanley E. Fitch, John Whitman, J. Fitzrandolph, George Dodge, S. Brown, J. Shaw, Joseph Rogers, J. Harding, William Gavel, Robert Delap, Weston Hall, O. Dodge, Asaph Whitman, John Brenton, W. Richard, A. M. Gidney, G. Starritt, Benjamin Fellows, Aisley Brown, and all ordained ministers of the Western Baptist Association of Nova Scotia, to form the Board for the management of Domestic Missions of that body, are hereby created a body corporate by the name of "The Domestic Missionary Board of the Western Baptist Association of Nova Scotia."

May hold real estate, &c.

2. The corporation may purchase, take, and hold real estate, and may accept legacies and donations of real and personal property, and may dispose of, lease, sell, mortgage, or convey the same, and may invest any moneys coming into their hands in such way as they may deem most advantageous, for the purpose of carrying out the objects of the corporation.

Corporation to hold all property.

3. All the real and personal property in which the corporation is now, or may at any future time be, interested, is and shall be vested in the Domestic Missionary Board hereby incorporated, without prejudice to private rights.

## CHAPTER 60.

An Act to incorporate the Foreign Missionary Board of the Baptist Convention of Nova Scotia, New Brunswick, and Prince Edward Island.

(Passed the 2nd day of May, A. D. 1865.)

1. Incorporation. | 3. All property vested in Corporation. Private rights.  
2. May hold real estate, &c.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Rev. G. Armstrong, the Rev. C. Tupper, D. D., Ansel T. Baker, the Rev. W. G. Parker, the Rev. J. E. Bill, the Rev. A. Stronach, the Rev. S. Robinson, the Rev. J. L. Reed, the Rev. James Parker, the Rev. W. H. Porter, the Rev. I. Wallace, S. Wheelock, A. McL. Seely, Ambrose Dodge, the Rev. N. Vidito, and such other persons as may from time to time be appointed by the Baptist Convention of Nova Scotia, New Brunswick, and Prince Edward Island, to form the Board of Foreign Missions of that body, are hereby created a body corporate, by the name of "The Foreign Missionary Board of the Baptist Convention of Nova Scotia, New Brunswick, and Prince Edward Island." Incorporation.

2. The Corporation may purchase, take, and hold real estate, and may accept legacies or donations of real and personal property, and may dispose of, lease, sell, convey or mortgage the same, and may invest any moneys which may come into their hands, in such way as they may deem most advantageous for the purpose of carrying out the objects of the Corporation. May hold real estate, &c.

3. All the real and personal property in which the Foreign Missionary Board is now, or may at any future time be interested, is, and shall be vested in the Corporation hereby established : without prejudice, however, to private rights. All property vested in corporation.  
Private rights.

CHAPTER 61. N-4212

An Act to amend an Act to incorporate the People's Bank of Halifax.

(Passed the 2nd day of May, A. D. 1865.)

1. 3d clause amended. | 2. Annual meeting—when held. | 3. 21st clause amended.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The words "as shall be determined by the vote of the shareholders at a special meeting called for that purpose," shall be struck out of the third clause of said act, and the 3d clause amended.

words "as the Directors may determine and appoint," be substituted therefor.

Annual meeting  
—when held.

2. The time of holding the annual meeting of the said company, instead of being the first Monday of February, as enacted in the seventh clause of said act, shall be altered to and hereafter be the second Tuesday of February in each year.

21st clause  
amended.

3. The words "of which they shall give thirty days' previous notice in at least two of the newspapers published in Halifax," shall be struck out of the twenty-first clause of the said act.

## CHAPTER 62.

### An Act to incorporate the Boston and Acadia Coal Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

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|---|--|
| 1. Incorporation.                               | 7. Meetings—when held. Agent—service of process. |
| 2. Capital. Shares.                             | 8. Stock-book.                                   |
| 3. First meeting—when held.                     | 9. Proceedings to obtain lands.                  |
| 4. Liability of shareholders.                   | 10. List of stockholders to be filed.            |
| 5. Stock—how issued.                            | 11. Corporation may construct railroads.         |
| 6. Directors may take stock in other companies. | 12. When to go into operation.                   |

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Alexander G. Felton, and John P. Bowker, both of Boston, in the United States of America, their associates, successors and assigns, are hereby constituted a body corporate, by the name of the Boston and Acadia Coal Mining Company, for the purpose of opening and working coal mines in the County of Richmond, shipping and selling coal and merchandize, and, generally, transacting all business connected therewith; and purchasing, holding, conveying, and selling real estate, lands, personal property, mills and machinery; and for manufacturing coal oil, smelting and manufacturing of iron, and for other purposes connected therewith, and the constructing, making, and operating such railroads as such corporation may deem necessary for the transportation of coal and merchandize from and to the mines and places of shipment, and all other business and operations usually performed on railroads; and for conducting and maintaining such wharves, docks, bulk-heads, cranes, piers, buildings, workshops, structures, and erections, as may be necessary or may be deemed necessary by the company for the working and operating of such mines, minerals, and manufactories; and the protection and safety of shipping, the convenient shipping and transportation of coals and other merchandize, and the transaction of all other the business affairs of the company.

2. The capital of the company shall be one hundred thousand dollars, in shares of fifty dollars each, which shares shall be personal property, transmissible and assignable as such, and the corporation shall have power to increase their capital stock to two hundred thousand dollars, by the issue of new shares from time to time by vote of at least two-thirds of the stockholders, and power to issue mortgage bonds, from time to time, bearing interest at a rate not exceeding six per cent., payable semi-annually in Boston, New York, or Halifax, if the same be advisable and so decided by a vote of at least two-thirds of the stockholders.

Capital.  
Shares.

3. The first meeting of the company shall be held at such time and place in the Province of Nova Scotia, or in the United States of America, as any three of the Corporators shall determine, of which public notice shall be given in two of the Halifax newspapers at least twenty days previous to such meeting, at which, or at any subsequent meeting, the company may be organised by the election of a Board of Directors of not less than three nor more than five, of whom three shall form a quorum, who shall have the management of the affairs and property of the company, and make such bye-laws and regulations as may be necessary for carrying on the business of the company, provided such bye-laws be not inconsistent with the laws of this Province, subject to the approval of the stockholders.

First meeting—  
when held.

4. No member or stockholder of the company shall be liable in his person or separate estate for any debt or debts of the company to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Liability of  
shareholders.

5. The Directors of the company may from time to time issue shares of stock, as they may deem necessary, for the purchase of mines, lands, and other property, for the purposes aforesaid, or for the improvement of their property, at such times and in such amounts as may be deemed necessary or advisable by the Board of Directors; and stock issued for the purchase of mines, lands, and other property, or for the improvement of their property, shall, when so issued in payment of mines, lands, and other property so purchased by said company, or applied in payment for improvements made to their property, be taken to be, and is hereby declared to be, full stock, as if paid for by the holder in cash; and such stock, so issued and used for the purpose aforesaid, shall not be subject to any further calls, nor shall the holder or holders be liable for any payment on account thereof.

Stock—how  
issued.

6. The Directors of the company may, by a vote of two thirds of the Directors, subscribe, in the name of the said company, for stock, to such an amount as they deem advisable, in

Directors may  
take stock in  
other compa-  
nies.

any railroad company or company for harbor improvements, and may pay for stock thus subscribed either with the property or assets of the corporation hereby incorporated, or by the issue of mortgage bonds, or with stock in the company hereby incorporated, and for that purpose new and increased stock may be issued, or new and increased mortgage bonds may be issued, as may be deemed advisable by a vote of at least two thirds of the stockholders; and when new and increased stock is thus issued for the purpose of paying for stock subscribed in other companies, as aforesaid, the new stock thus issued, when used in payment as aforesaid, shall be taken to be, and is hereby declared to be, full stock, the same as if paid for by the holder or holders thereof in cash, and shall not be subject to further calls, nor shall either holder or holders thereof be liable for any payment on account thereof.

Meetings—  
when held.

Agent—service  
of process.

7. The meetings of the company shall be held at such places as the Directors may appoint, and at every annual meeting they shall elect a recognized manager or agent resident in the Province, service on whom of all process, notices, and other documents shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are situated; and in case of the absence of such agent from the Province, or doubt of absence, service of process may be made by leaving a copy in the principal office of the company within the county wherein the property is located, with some person in said office of suitable age and discretion having charge thereof, or if said principal office is permanently or continuously closed, so as not to admit of such service in the manner last aforesaid, then such service may be made by affixing a copy upon some conspicuous part of the principal building of said company, or office of said company, within the county where the property is located.

Stock books.

8. The corporation may open books for the subscription of stock, in one or more places out of the Province, as also books for the transference of stock, and may also appoint offices for the same, and paying interest and dividends for the whole or any part of the stock, with agencies and branch offices for the purposes of their incorporation.

Proceedings to  
obtain lands.

9. Whenever it shall be requisite, in the construction or maintenance of the works of the company, that the said company should be invested with lands contiguous thereto, and no agreement can be made for the purchase of such land required, it shall be lawful for the Board of Directors of the company to apply by petition, with a plan annexed, to any one of the judges of the Supreme Court of this Province, setting forth the circumstances and the nature and situation of the lands required, the names of the owners or occupiers thereof, as far as the Board of Directors can ascertain the same, and the owners or occupiers whose names they cannot ascertain to be

therein alleged as unknown owners or occupants, as the case may be, praying a conveyance of such lands to the company; whereupon such judge, being satisfied that such lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also one newspaper in the county, if there be any, where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the Directors to nominate one appraiser, and such owners and occupiers to unite in naming another appraiser, and the judge shall nominate a third appraiser; but in case such owners and occupiers do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the judge shall, on proof of such publication, or service of such notice, nominate two appraisers, and such Directors shall nominate one appraiser, and the judge shall, by an order in writing, direct the said appraisers thus nominated to value the land so required; and the appraisers, having first subscribed an affidavit in writing, to be annexed to such order, and sworn to before a Justice of the Peace, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to appraise such land, and shall make such appraisement in writing, under the hands of the appraisers, or a majority of them, and return the same, with such order and affidavit, to a judge, who may confirm, modify, alter, or reject such appraisement, or direct a new appraisement; and the company, upon paying or tendering the appraised value as finally confirmed, and the expenses, to be taxed by a judge, of the owners on such appraisement, to the owners, or, in case of dispute, to such parties as a court or a judge may direct, and registering such order, affidavit, appraisement, and confirmation in the office of the Registrar of Deeds in the county in which the lands lie, who is hereby required to register the same, shall be considered the owners of the land.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first day of May and November in each year, certified under the hands of the President and Secretary, shall be filed, in each of such last named months in each year, with the Registrar of Deeds of the county where the principal works of the company are situate, such certificate to contain the names of the stockholders, and the number of shares held by them respectively on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer, or copy thereof.

List of stockholders to be filed.

Corporation may construct railroads.

11. The corporation may construct such railroad as may be necessary for their operations over and across any other railroads owned by private companies or otherwise, and over public highways, rivers, brooks, streams, or bays, subject nevertheless, in such cases, to regulations to be made by the Court of Sessions of the county for the safety of the inhabitants and their property, and the preservation of public or private rights.

When to go into operation.

12. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

CHAPTER 63.

An Act to incorporate the Cambridge Coal Mining Company.

(Passed the 31st day of March, A. D. 1865.)

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|--|--|
| 1. Incorporation.                                | 9. Proceedings to obtain lands.                          |
| 2. Capital. Shares.                              | 10. May hold stock in railway companies.                 |
| 3. Capital may be increased.                     | 11. May issue bonds secured by mortgage.                 |
| 4. When to go into operation. Payment of stock.  | 12. May construct railways.                              |
| 5. First meeting—when and where held. Directors. | 13. Bye-laws.  |
| 6. Liability of Stockholders.                    | 14. May render harbor channels navigable.                |
| 7. Agent. Service of process.                    | 15. List of Stockholders to be filed.                    |
| 8. Operations—when to commence.                  | 16. Books open to inspection.                            |
|  | 17. Act to cease if work not commenced within two years. |

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. J. Warren Merrill, William T. Richardson, Joseph W. Converse, John Preston, Hugh Ross, and Joseph Kaye, their associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the "Cambridge Coal Mining Company," for the purpose of purchasing, holding, leasing, and selling mines, and mining rights, and of opening and working the same in the Island of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals, and for holding and conveying real estate, mills, and machinery for manufacturing and selling coal, coal oil, and boring and obtaining the same from the earth, and for other the purposes connected therewith; for the constructing and operating of railroads and branch tracks, for the transportation of coal, coal oil, and other produce from the mines of the company, or from any other coal mines in the Island of Cape Breton, or to one or more places of transshipment, and for the transporting of passengers and freight over such railroads, and all other business necessary and usually performed on railroads; for constructing such wharves, docks, and piers, as may be necessary for the business of the company.

Capital—shares.

2. The capital of the company shall be two hundred thousand dollars, divided into two thousand shares of one hundred



dollars each, which shall be personal property, and transferable by assignment recorded in the books of the company.

3. The Corporation shall have power to increase their capital stock, not exceeding one million of dollars, by the issue of new shares, by a vote of the majority of the stockholders in interest. Any coal company, or other corporation, either foreign or incorporated in this Province, may own and transfer any of the stock in said company.

Capital may be increased.

4. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in. And it shall be lawful for the said Corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges, or property, in payment of any instalment or instalments, due on any stock subscribed, at such valuation as the company shall decide.

When to go into operation.  
Payment of stock.

5. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as any three of the corporators named in this act shall determine, of which notice shall be given to the other corporators at least twenty days previous to such meeting, and at this or at any subsequent meeting the company may be organized by the election of a Board of Directors, of not less than three nor more than nine.

First meeting—when and where held.

Directors.

6. The joint stock and property alone of the company shall be liable for the debts and engagements of the same; and no title of the company, their assignees, or lessees, nor any incumbrance shall be valid, unless the same shall be duly recorded in the office of the Registrar of Deeds for the county or district where such lands lie.

Liability of stockholders.

7. The meetings of the company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized agent or manager, resident in this Province; service on whom of all process, notices and other documents, shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the Registrar of Deeds for the county where the principal works of the company are situate; and in default of such appointment, or in case of the absence or death of such agent, such service may be made by affixing a copy upon some conspicuous building or office of the company, within the county where the property is located.

Agent.

Service of process.

8. The company as soon as the same shall have been organized, and the sum of twenty five per cent. paid in on account of the stock taken, may proceed to exercise the powers and privileges herein and hereby conferred upon them.

Operations—when to commence.

9. Whenever it shall be requisite in the construction of any railroad, or of any wharves, piers, or docks, contemplated by this act, that the company should be invested with the lands over which the same shall pass, or necessary for the use and enjoyment thereof, and no agreement can be made for the

Proceedings to obtain lands.

purchase thereof, the Directors may apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the nature and situation of the land required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for a period of one month in at least two newspapers, published at Halifax, and also in one newspaper, if there be any, of the county where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser, but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and the Directors shall nominate one appraiser, and the Judge shall by an order in writing direct the said three appraisers thus nominated to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*. And the company, upon paying or tendering the amount of the appraised value, so finally confirmed, and the expenses of the owners on such appraisement to the owners, or in case of dispute to such parties as the Court or Judge may direct; and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

May hold stock  
in railway com-  
panies.

10. The company may subscribe for, take, hold, and dispose of stock in any other corporation, organized, or to be organized, having the power to construct a railroad from the mines of this company, or from the vicinity of the same, to any place or places of transshipment; and the company shall be authorized, through its officers, or such other agents as the Board of Directors may appoint, to vote as a stockholder and to exercise all the other powers of a stockholder in relation to the stock so held by them in such corporation.

May issue bonds  
secured by  
mortgage.

11. The company shall be authorized and empowered to issue its bonds, secured by a mortgage, on all or any of its pro-

erty, real or personal, or to lend its credit in any manner they may see fit, or to loan money to aid in the construction of such railroads as is last mentioned. The company shall be authorized and empowered to guarantee and secure the bonds of any such railway company, issued for the purpose of building any such railroad as last aforesaid, by a pledge or mortgage of all or any of its property, real or personal, or otherwise. Any mortgage issued for the purpose mentioned in this section, shall be regarded and have the same effect in all respects as is mentioned in section six of this act.

12. The company may make or construct a railway over or across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any brooks, rivers, or streams, subject, nevertheless, in such cases, to such regulations, if any, as may be made by the Court of Sessions to insure the safety of the inhabitants and their property.

May construct railways.

13. The company shall have authority to make all such regulations and bye-laws as they may deem proper, for the management of their business and disposition of their property, not inconsistent with this act and the laws of this Province.

Bye-laws.

14. The company may proceed, either alone or with any other company, to render navigable from the ocean Big Glace Bay Lake, or any other harbor, save that of Little Glace Bay, by deepening, widening, or extending the channels, or by opening a new channel or channels. They may erect piers, breakwaters, and shipping places for coal, upon any lands owned by the company, or acquired as herein provided, or upon any land of the Crown, in respect of which such permission shall be granted by the Governor and Council, in and about the shores of such harbor.

May render harbor channels navigable.

15. A list of the stockholders of the Corporation and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively, on the first day of the month on which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

List of stockholders to be filed.

16. The books and accounts of the company shall at all times be open to the examination of such person as the Governor in Council shall appoint to inspect the same.

Books open to inspection.

17. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act to cease if work not commenced within two years.

## CHAPTER 64.

## An Act to incorporate the Acadia Coal Company.

(Passed the 31st day of March, A. D. 1865.)

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|---|--|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares. Company may issue bonds.</li> <li>3. First meeting, when held. Bye-laws. Directors.</li> <li>4. Liability of Stockholders.</li> <li>5. Agent. Service of process.</li> <li>6. Company when to go into operation.</li> </ol> | <ol style="list-style-type: none"> <li>7. Meetings—where held.</li> <li>8. Proceedings to obtain lands.</li> <li>9. Books open to inspection.</li> <li>10. List of stockholders to be filed.</li> <li>11. Company may construct railroads.</li> <li>12. Nothing in this act to affect rights of General Mining Association.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. Cyrus W. Field, Edwards S. Sanford, and Marshall Lefferts, of New York, and Hugh Allan, of Canada, and their associates, successors, and assigns, are hereby constituted a body corporate and politic by the name of the "Acadia Coal Company," by which name they may sue and be sued, and may transact all business herein authorized, for the purpose and with the power of opening and working coal and other mines in the County of Pictou, or elsewhere in the Province of Nova Scotia, and purchasing, holding, using, and conveying lands, mills, machinery, vessels, vehicles, and other property, and manufacturing coal oil or other substances from coal; boring, pumping, or otherwise producing petroleum, and trading in such coal, coal oil, petroleum, and other substances, and constructing such roads, railways and tramways, as may be necessary for the transportation of coal, coal oil, and other substances and supplies from and to the mines, and using the same for the purposes aforesaid, and all other purposes for which roads, railways, and tramways may be used; and constructing, purchasing, or hiring and holding such wharves, water-lots, docks, and piers, as may be necessary or proper for the working of their mines, the storing, banking and shipment of coals and other substances, or for the protection or safety of shipping, and constructing dwellings and other works, and buildings for the miners and workmen of the company, and for other uses of the company; and of doing all other things which the company may deem incidental or conducive to the foregoing purposes or objects, or any of them.

Capital.  
Shares.

2. The capital stock of the company shall be one million of dollars, divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock from time to time by the issue of new shares, pursuant to a vote of a majority in interest of the stockholders. The company may issue stock in payment for lands or other

property, on such terms as the Directors may think best, and such stock shall be deemed to be full paid stock, as if paid in money. The company may also issue bonds bearing any legal rate of interest, payable in New York, Halifax, or London, England, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and extent, and at such price as the Directors may think best. It shall not be necessary to affix the seal of the company to any of its acts or contracts, except its conveyances of lands and its stockholders' certificates.

Company may  
issue bonds.

3. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax at least twenty days previous to such meeting, at which meeting, or at any subsequent meeting, the company may be organized by the adoption of bye-laws, and the election, from the shareholders, of a Board of Directors, not less than three nor more than nine in number. The number of Directors may be changed from time to time by an alteration of the bye-laws. There shall be an annual meeting of the stockholders at such time and place as the bye-laws shall prescribe. At such, or any subsequent annual or special meeting, the bye-laws may be made or changed, and the Board of Directors be elected. Special meetings of the stockholders may also be called by the Directors. The shareholders may authorize the Directors to change the bye-laws from time to time. The Directors shall have power to transact the business of the company, subject to the bye-laws. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The Directors for the time being shall hold over until others shall be chosen in their places. In case of a vacancy in the Board of Directors, by death, resignation, or otherwise, it may be filled for the residue of the term by the remaining members of the Board. The President and Secretary, and such other officers as may be required, shall be appointed in such manner as the bye-laws may provide.

First meeting—  
when held.

Bye-laws.  
Directors.

4. No member of the company shall be liable in his person or separate estate for any debt or obligation of the company, or for any further, greater, or other sum than such as may remain unpaid on the stock taken or held by him, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company. The transfer of the shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

Liability of  
stockholders.

5. The Directors shall appoint an agent, resident in this Province, service on whom of all process, notices, and other documents shall be held to be sufficient service on the company. The name and address of such agent shall be filed with the Registrar of Deeds of the County of Pictou, and in case of the

Agent.  
Service of pro-  
cess.

death or absence of such agent from the Province, and before the appointment of another, service of process may be made by affixing a copy upon some conspicuous building or office of the company in the County of Pictou, and advertising the same two weeks in a newspaper published in that county.

Company when  
to go into  
operation.

6. The company may go into operation as soon as it shall have been organized by the adoption of bye-laws and the election of a Board of Directors, and a sum equal to twenty-five per cent. of the capital stock actually paid in: provided the amount so paid up be not less than one hundred thousand dollars.

Meetings—  
where held.

7. The meetings of the stockholders and of the Directors may be held at any place within this Province, or in the United States of America, as the bye-laws may from time to time prescribe; and the office for the receipt of subscriptions to stock, the transfer of shares, and the transaction of all business of the company, except mining, may also be established at such place within this Province, or in the United States of America, as the bye-laws may from time to time prescribe.

Proceedings to  
obtain lands.

8. Whenever it shall be requisite for the construction of any road, railway, or tramway, contemplated by this act, that the company should be invested with the right or title to the lands over which the same shall pass, and contiguous thereto, for the track and stations, and no agreement can be made for the purchase thereof, it shall be lawful for the company to apply by petition with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the name of the owner or occupier thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of the petition, and shall direct notice thereof, in writing, to be served upon the owner or occupier of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also one newspaper of the county, if there be any, where the lands lie; and at the time and place so appointed the Judge shall require the Directors to appoint one appraiser, and such owners to appoint another appraiser, and the Judge shall appoint a third appraiser; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct a new appraisement. And the company, upon paying to the owner or into the Supreme Court, the amount of the appraised

value as finally confirmed, and the expenses of the appraisal, and registering the order, affidavit, appraisement and confirmation, in the office of the Registrar of Deeds in the county in which said lands lie, shall be vested with the title to such lands, and entitled to the immediate possession thereof.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books open to inspection.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first day of January in each year, certified under the hand of the President and Secretary, shall be filed in that month with the Registrar of Deeds of the County of Pictou; and it shall not be necessary to file any other certificate.

List of stockholders to be filed.

11. It shall be lawful for the company to make or construct any road, railway, or tramway, over, under, or across any road, railway, or tramway, and over, under, or across any river, brook, or stream, subject, nevertheless, in such cases, to such regulations as may be made by the Court of Sessions for insuring the safety of the inhabitants and of their property.

Company may construct railroads.

12. Nothing in this act shall affect, or be construed to affect, the rights granted to the General Mining Association, under their lease from the Crown, bearing date the 1st day of January, A. D. 1858, and confirmed to them by the act passed in the 21st year of her present Majesty's reign, and as modified by the act passed in the 26th year of her present Majesty's reign.

Nothing in this act to affect rights of General Mining Association.

## CHAPTER 65.

### An Act to amend the Act to incorporate the International Coal and Railway Company.

(Passed the 8th day of March, A. D. 1865.)

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|--|--|
| <p>1. Secs. 1 and 2 of amended Act repealed. Incorporation. Capital. Shares. Company may issue bonds secured by mortgage. When to go into operation.</p> <p>2. Sec. 8 of amended Act repealed. Proceedings to obtain land for company.</p> | <p>3. May hold stock in railway company. Loans to company—how secured.</p> <p>4. Time for commencement of railroad extended.</p> <p>5. Bye-laws.</p> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Sections one and two of the act hereby amended are repealed, and the following substituted instead thereof:—  
 "1. John Jacob Astor, junior, C. Godfrey Gunther, Henry Day, and George T. Adee, all of New York, their associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the International Coal and Railway Company, for the purpose of purchasing, holding, leasing,

Secs. 1 and 2 of amended act repealed.

Incorporation.

and selling mines and mining rights, and of opening and working the same in the County of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals; for holding and conveying real estate, mills and machinery; for manufacturing and selling coal oil, and boring and obtaining the same from the earth, and for other purposes connected therewith; for the constructing and operating railroads and branch roads; for the transportation of coal, coal oil, and other freights from the mines of this company or from any other coal mines in the County of Cape Breton, to one or more places of transshipment, and for the transporting of passengers and freight over such road or roads, and all other business necessary and usually performed on railroads; for constructing and holding such wharves, docks, and piers, as may be necessary for the business of the company."

Capital.  
Shares.

"2. The capital of the company shall be one million of dollars, divided into twenty thousand shares of fifty dollars each, which shall be personal property, and transferrable only on the books of the company. The Corporation shall have power to increase their capital stock by the issue of new shares, by a vote of the majority of the stockholders in interest. Any coal company, or other corporation, either foreign or incorporated in this Province, may own and transfer any stock in the said company. The said Corporation shall have power to borrow money by a vote of two-thirds of the Directors, for the purpose of operating its mines, building and equipping said railroad, and to issue bonds for the same, bearing interest at the rate of not more than six per cent. per annum, secured by a mortgage on all the property, real and personal, of the said company, including mining rights, railroad, and rolling stock, to be put on the same, or on portions of the said property. The said mortgage shall be executed in due form of law, to pass real estate, and shall be recorded in the office of the Registrar of Deeds of the County of Cape Breton; and from the time of recording said mortgage it shall become a lien on said property mentioned in the same, precedent to all other subsequently acquired claims against the said Corporation. The interest and principal of said bonds may be made payable in Halifax, London or New York. The said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up."

Company may  
issue bonds  
secured by  
mortgage.

When to go  
into operation.

Sec. 8 of amend-  
ed act repealed.  
Proceedings to  
obtain land for  
company.

2. Section eight of the act hereby amended is repealed, and the following substituted instead thereof: "Whenever it shall be requisite in the construction of any railroad contemplated by this act, that this company should be invested with the lands over which the same shall pass, and contiguous thereto, for the track of the road and for stations, and for the purpose of transshipment, and no agreement can be made for the purchase thereof, it shall be lawful for the Directors to apply by petition, with a plan annexed, to any one of the Judges of the



Supreme Court of this Province, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owners or occupiers of the lands if in the Province; and to be published for the period of one month in at least two newspapers published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend; at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication, or service of such notice, nominate two appraisers, and the said company shall nominate one appraiser; and the Judge shall, by an order in writing, direct the said three appraisers thus nominated to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavits, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*; and the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement and confirmation, in the office of the Registrar of Deeds in the county in which the said lands lie, who is hereby required to register the same, shall be considered the owners of such lands."

3. The said company may subscribe for, take, hold and dispose of, stock in any other incorporation organized, or to be organized for the purpose of constructing a railway from the mines of this company, or from the vicinity of the same, to any place or places of transshipment; the said company shall be authorized, through its officers or other agents, as the Board of Directors may appoint, to vote as a stockholder, and to exercise all other powers of a stockholder in relation to the stock so held by them in such incorporation aforesaid. The said International Coal and Railway Company shall be authorized and empowered to issue its bonds, secured by a mortgage on all or any of its property, real or personal, or to lend its

May hold stock  
in railway com-  
pany.

Loans to com-  
pany—how  
secured.

credit in any manner they may see fit, or to loan money to aid in the construction of such railroad as is last mentioned. The said company shall be authorized and empowered to guarantee and secure the bonds of any such railroad company, issued for the purpose of building any such railroad as last aforesaid, by a pledge or mortgage of all or any of its property, real or personal, or otherwise; any mortgage issued for the purpose mentioned in this section shall be recorded, and have the same effect in all respects as is mentioned in the amendment hereby made to section two of the original act.

Time for commencement of railroad extended.

4. The time limited for the commencement of the railroad in the act hereby amended, is extended until the first day of January one thousand eight hundred and seventy.

Bye-laws.

5. The said company shall have authority to make all such regulations and bye-laws as they may deem proper for the management of their business and disposition of their property, not inconsistent with the laws of this Province.

## CHAPTER 66.

### An Act to amend the Act to incorporate the International Coal and Railway Company.

(Passed the 2nd day of May, A. D. 1865.)

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|---|---|
| 1. Directors may sell property of company.  | 3. May hold wharves, piers, &c.   |
| 2. Company may issue stock in payment for mining rights. May purchase property of International Coal Company. | 4. Directors may borrow funds. May increase capital stock. Preferred stock. |

Be it enacted by the Governor, Council, and Assembly, as follows:

Directors may sell property of company.

1. The Board of Directors of the company are hereby authorized to sell any portion of its mining rights, or its property, real or personal, which it may now or may hereafter possess, at public or private sale, to individuals, or to any one or more incorporated companies, and may receive in payment therefor, in whole or in part, the stock of any such company to whom they may sell, or for such other security or consideration as they may think best.

Company may issue stock in payment for mining rights.

2. The company are hereby authorized to issue any portion of its capital stock, in payment for mining rights or property, real and personal, of any description, which may be deemed necessary for prosecution of its business, and the stock so issued shall be considered full paid stock. The company are also authorized to purchase of the International Coal Company, an incorporation organized under the laws of the State of New York, in the United States, all or any portion of its property, real or personal, situate in the County of Cape Breton, and to issue all or any portion of the capital stock of the International

May purchase property of International Coal Company.

Coal and Railway Company therefor, which stock, so issued, shall be considered full paid stock.

3. The International Coal and Railway Company are hereby authorized to hold and use all necessary wharves, piers, and shipping places, for the accommodation of such vessels.

May hold wharves, piers, &c.

4. The Board of Directors of the company are hereby authorized to borrow funds for the developement of its mines and for the prosecution of its business, and to give their bonds therefor, either with or without a mortgage on their property, or a portion of the same. The company, for the purpose of prosecuting its business, may also, by a vote of the majority of the Board of Directors, increase its capital stock by the issue of new shares, which shares, so issued, may be sold for such price as the Board of Directors may determine, provided that the option of purchase shall first be given to the stockholders for the time being. The company may also, by a vote of the majority of its Directors, and for the purpose of raising funds for the prosecution of its business, issue preferred stock, which shall be entitled to such a dividend as the Board of Directors shall limit before any other dividends are paid.

Directors may borrow funds.

May increase capital stock.

Preferred stock.

CHAPTER 67.

An Act to incorporate the Sydney and Bras d'Or Steamboat Company.

(Passed the 31st day of March, A. D. 1865.)

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|---|---|
| <ul style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares. Certificates.</li> <li>3. Transfer of shares.</li> <li>4. Votes of shareholders.</li> <li>5. Annual meeting—when held. Special meetings.</li> </ul> | <ul style="list-style-type: none"> <li>6. Management of company.</li> <li>7. Bye-laws.</li> <li>8. Company when to come into operation.</li> <li>9. Liability of stockholders.</li> </ul> |
|---|---|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. William Gammell, John H. Christie, John Lorway, Clement H. Harrington, William Purves, and Alexander Mackay, and such other persons as shall become shareholders in the company hereby established, their successors and assigns, are hereby created a body corporate, by the name of the "Sydney and Bras d'Or Steamboat Company," for the purpose of running a steamer or steamers in the harbor of Sydney, the Bras d'Or Lake, and to other ports in the island of Cape Breton.

Incorporation.

2. The capital stock of the company shall be ten thousand dollars, to be divided into shares of fifty dollars each; but whenever it shall become necessary, the company may at any general meeting, by a two third majority of the votes of stockholders present, increase the capital stock of the company to a

Capital. Shares.

- Certificates. sum not exceeding twenty thousand dollars; and every shareholder in the corporation shall be entitled to a certificate, under the seal of the company, and signed by the President and Secretary, certifying his property in the shares expressed in the certificate.
- Transfer of shares. 3. The shares of the company shall be assignable and transferrable, according to such rules or regulations as may be made for that purpose; but no assignment or transfer shall be valid unless the same shall be registered in a book kept by the Secretary for that purpose.
- Votes of shareholders. 4. At any general meeting of the company, any shareholder shall be entitled to vote according to the number of his shares, that is to say, owners of one share shall be entitled to one vote; those holding additional shares shall be entitled to an additional vote for every four shares, and shareholders may vote by proxy, constituted according to the bye-laws—such proxy being a shareholder duly empowered in writing.
- Annual meeting—when held. 5. There shall be an annual meeting of shareholders at North Sydney on the first Monday of February of every year, for the purpose of electing officers for the ensuing year, examining and auditing the accounts, and transacting all other necessary business; and a special meeting may be called by any three shareholders, of which meeting, and the object thereof, at least twenty days notice shall be given immediately previous to such meeting in the local paper.
- Special meetings. 6. The affairs of the company shall be managed by a President, five Directors, and a Secretary and Treasurer, according to the bye-laws.
- Management of company. 7. The company may, at any regular meeting, make any regulations or bye-laws for the better governing and conducting of the affairs of the Corporation, provided they do not conflict with this act and the laws of this Province.
- Bye-laws. 8. The company shall come into operation when the capital stock of ten thousand dollars shall have been subscribed and paid.
- Company when to come into operation. 9. No member of the company shall be liable in his person or separate estate for the debts of the company for a greater amount in the whole than double the amount of stock held by him, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.
- Liability of stockholders.

## CHAPTER 68.

## An Act to incorporate the Nova Scotia Baptist Home Missionary Society.

(Passed the 2nd day of May, A. D. 1865.)

1. Incorporation.      2. May hold real estate.      3. Property vested in corporation.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. James W. Nutting, John W. Barss, John King, Daniel McN. Parker, R. N. Beckwith, George Robins, and such other persons as may from time to time be appointed to manage the affairs of the society, are hereby created a body corporate, by the name of "The Nova Scotia Baptist Home Missionary Society." Incorporation.

2. The Corporation may purchase, take, and hold real estate, and may accept legacies and donations in aid of the purposes of the society, and may dispose of, manage, sell, lease, mortgage, or otherwise dispose of real and personal property, for the purpose of carrying out the objects for which the Corporation is established. May hold real estate.

3. All property, real or personal, in which the Home Missionary Society is now, or shall hereafter be interested in, shall be vested in the Corporation hereby established, without prejudice, however, to private rights. Property vested in corporation.

## CHAPTER 69.

## An Act to incorporate the East River Driving Company, of Sheet Harbour.

(Passed the 2nd day of May, A. D. 1865.)

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|--|--|---|
| <p>1. Incorporation.<br/>2. Company—powers of.<br/>3. Company to have lien on logs, &amp;c., for tolls. Proviso.</p> |  | <p>4. Meetings, Bye-laws, Stock, &amp;c.<br/>5. Company must go into operation within one year.</p> |
|--|--|---|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. William Chisholm, of Halifax, William Chisholm, of Antigonishe, and Valentine Chisholm, their associates and successors, are hereby constituted a body corporate, by the name of "The East River Driving Company, of Sheet Harbour." Incorporation.

2. The company shall have power by themselves, or their representatives, to build dams, sluices, and to improve the Company—powers of.

East River of Sheet Harbour, in the county of Halifax and its tributaries, to make the same navigable for logs, timber, and lumber, passing on said river and its tributaries, so improved, at such rates as shall from time to time be fixed by the company, with the consent and approval of the General Sessions of the county of Halifax.

Company to have lien on logs, &c. for tolls.

3. The company, when incorporated, and when they shall have expended the sum of five thousand dollars on said river and its tributaries, and given sufficient proof thereof by certificate under oath, filed in the Provincial Secretary's office, shall have a lien on all logs, timber, and lumber, which shall pass through their dams, sluices, on said river and its tributaries so improved; and in case of the owners or agents of any such logs, timber, or lumber, neglecting or refusing to pay the company or its agents the fixed tolls, the company, after twenty days' public notice, may sell at auction such portion of any such logs, timber, or lumber, which shall pass on said river and its tributaries, as shall be sufficient to pay the expense of driving and securing at the tide-water of Sheet Harbour all such logs, timber, and lumber; provided always, that the company agree to, and do drive any such lots of logs, timber, and lumber, at the fixed rates.

Proviso.

Meetings, Bye-laws, Stock, &c.

4. The company are hereby authorized to call meetings and pass bye-laws, which shall be subject to the approval of the sessions, and appoint their officers; also, to sell stock in the company, which stock shall be assignable and transferrable in the whole amount of ten thousand dollars, for the purpose of improving said river and its tributaries; provided always, that nothing herein contained shall affect any private rights; and such company shall be liable for all damages they may cause in building dams and improving said river and its tributaries.

Company must go into operation within one year.

5. If the company does not go into operation within one year from the passing of this act, the same shall be null and void.

## CHAPTER 70.

An Act to naturalize Seth C. Howes and Whitman B. Long.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Seth C. Howes and Whitman B. Long, of Shelburne, in the county of Shelburne, mariners, notwithstanding their not having resided for one year continuously in this Province, shall, as soon as they shall respectively take and subscribe the Oath of Allegiance to her Majesty Queen Victoria in manner prescribed by chapter 34 of the Revised Statutes, "Of Privileges

Howes and Long naturalized.

and Naturalization of Aliens," become naturalized subjects of her Majesty, entitled to all the rights conferred on such subjects, under the act of the Imperial Parliament, passed in the 10th and 11th years of her Majesty's reign entitled, "An Act for the Naturalization of Aliens."

## CHAPTER 71.

### An Act to incorporate the Cape Breton Coal Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

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|---|---------------------------------------|
| 1. Incorporation.                       | 8. Liability of shareholders.         |
| 2. Capital. Shares.                     | 9. Agent. Service of process.         |
| 3. First meeting—when and where held.   | 10. May build piers, docks, &c.       |
| Directors. Officers—election of.        | 11. Subscription books.               |
| 4. Bye-laws.                            | 12. Proceedings to obtain lands.      |
| 5. Directors may receive lands, &c., in | 13. List of stockholders to be filed. |
| payment of stock. Limitation.           | 14. Books open to inspection.         |
| 6. When to go into operation.           | 15. Act when to determine.            |
| 7. Transfer of shares.                  |                                       |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Florentine W. Pelton, J. B. Harris, E. G. Lucas, Alexander C. Fulton, Smith Wright, and Leonard A. Jones, their associates, successors, and assigns, are hereby constituted and declared to be a body corporate, by the name of "The Cape Breton Coal Mining Company," for the purpose of buying, opening, and working coal mines in the county of Inverness, or elsewhere in the Province of Nova Scotia, and for shipping and selling coals, and extracting coal oil, and transacting any business connected therewith, with full power for the purposes aforesaid, or any of them, to purchase, take, or lease, or otherwise acquire any lands or other property; and to construct and make such railways, tramways, or other roads, as may be deemed necessary for the transportation of the products of mines worked by said company, and of other articles to and from such mines; and to purchase or construct all such wharves, docks, piers, mills, houses, buildings, and machinery, as may from time to time appear expedient; and to do all other matters and things which the company may deem incidental, or conducive to those objects, or any of them, not inconsistent with any existing law of this Province.

2. The capital stock of the company shall be two hundred and fifty thousand dollars, divided into shares of ten dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to seven hundred and fifty thousand dollars by the issue of new shares upon vote of the stockholders.

Incorporation.

Capital.  
Shares.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as the above-named corporators, or any four of them, shall determine, and of which notice shall be given either in one or more newspapers, published in the city of Halifax, and in one or more newspapers published in Boston, in the United States of America, or by serving the same personally upon each corporator, such publication or service to be at least twenty days previous to such meeting; at which, or any subsequent meeting, the company may be organized by the election of a Board of Directors, of not less than three nor more than seven, as shall be agreed upon by the stockholders then present, unless the numbers be fixed by the bye-laws of the company; and three Directors shall form a quorum for the transaction of business in said Board; and the stockholders then present in person, or by proxy, shall have power to elect all other necessary officers to establish bye-laws, and do all other acts necessary for the organization of the company. All subsequent meetings of the stockholders, or of the Board of Directors, may be held at such place in this Province, or in the United States of America, and in such manner, as the company may by its bye-laws direct; but the organization of the company shall not lapse by reason of any failure to choose officers on the day appointed therefor; but the officers may hold over until others be elected in their places.

Directors.

Officers—  
election of.

Bye Laws.

4. The stockholders may, at any meeting duly called, make bye-laws for the company, not inconsistent with this act, and the same repeal or modify, and may therein define the powers and functions of officers of the company, the mode of choosing the same, and the manner of calling meetings of the stockholders and of the directors.

Directors may  
receive lands,  
&c. in payment  
of stock.

5. The Board of Directors may receive lands, mines, buildings, wharves, machinery, mining rights, or privileges, or any interest or share therein, respectively, in payment of stock subscribed for, or of any instalments due thereon, at such valuation as they may agree upon for the same; but the power hereby given and conferred upon the Directors to accept such property in payment of stock, and to fix valuation thereupon, shall be subject to such conditions, restrictions, and limitations, as the stockholders of the company may at any time have imposed by bye-laws.

Limitation.

When to go into  
operation.

6. So soon as twenty-five per cent. of the capital stock shall be paid in, the company may go into operation.

Transfer of  
shares.

7. The transfer of shares in the company shall be valid and effectual from the time such transfer is made, for all purposes of the company.

Liability of  
shareholders.

8. No member of the Corporation shall be liable in his person or separate estate, except for the full payment of the amount of stock taken and subscribed for by him, unless he shall have become surety for the debts of the Corporation; but



the joint stock and all property of the Corporation shall be liable for its debts and engagements.

9. The company, through their Directors, or otherwise, shall appoint an agent or manager, resident in the Province, service on whom of all processes, notices, and other documents, shall be held to be a sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county where the principal works of the company are situate. In default of such appointment, or in case of the absence or death of the agent, processes, notices, and documents may be served on any officer or person, principally employed by the company, or for want of such officer or employee, may be posted upon some conspicuous building or office of the company where its principal works are, and such service or posting shall be deemed a sufficient service on the company.

Agent.  
Service of process.

10. The Corporation may build and erect such piers, docks, wharves and breakwaters, as may be necessary for the transaction of their business and the protection and accommodation of vessels engaged in the transportation of coal from the mines of the company at Port Hood, upon any land belonging to the Corporation, which may be acquired by the Corporation as hereinafter provided, and upon the lands belonging to the Crown, in respect of which permission shall have been obtained from the Governor in Council, in the waters of the Gulf of St. Lawrence, adjacent to lands belonging to the Corporation.

May build piers, docks, &c.

11. The Corporation may open books for the subscription of stock, and also books of transfer, in one or more places out of the Province.

Subscription books.

12. Whenever it shall be necessary in the construction or maintenance of the works of the said company, that the company should be invested with land contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the Directors to apply, by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers, published at Halifax, and also in one newspaper, if there be any, of the county where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in nominating another appraiser, and the Judge shall nominate a third

Proceedings to obtain lands.

appraiser; but in case such owners do not attend, or shall neglect or refuse, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and the company shall nominate one appraiser, and the Judge shall, by an order in writing, direct the said three appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such an appraisement, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisement, in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*,—and the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

List of Stockholders to be filed.

13. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds of the county or district where the principal works of the company are situate in this Province, such certificate to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Books open to inspection.

14. The books and accounts of the company shall be at all times open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act when to determine.

15. This act shall cease and determine if the company shall not go into effective operation and continue the same within two years after the passing of this act.

CHAPTER 72.

An Act to incorporate the Mabou Coal Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

- |  |   |
|--|---|
| 1. Incorporation.                                | 9. Proceedings to obtain lands.                       |
| 2. Capital. Shares.                              | 10. May hold stock in other companies.                |
| 3. Capital may be increased.                     | 11. May issue bonds, &c. May guarantee certain bonds. |
| 4. Company when to go into operation.            | 12. May construct railways.                           |
| 5. First meeting—when held.                      | 13. Bye-laws.   |
| 6. Liability of stockholders.                    | 14. May erect piers, &c.                              |
| 7. Meetings—when held. Agent—service of process. | 15. List of stockholders to be filed.                 |
| 8. Commencement of operations.                   | 16. Books open to inspection.                         |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. John Kaye, William S. Symonds and Howard Symonds, Hugh Ross, of Nova Scotia, and Sylvester Phelps, of Boston, in the United States of America, their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of "The Mabou Coal Mining Company," for the purpose of holding, purchasing, leasing, and selling mines, and mining rights, and of opening and working the same, in the county of Inverness, and transacting all business connected therewith, and for the purchase and sale of coals; for holding and conveying real estate, mills, and machinery; for manufacturing and selling coal oil, and boring and obtaining the same from the earth, and for other the purposes connected therewith; for the constructing and operating railroads and branch tracks; for the transportation of coal, coal oil, and other freights from the mines of the company, or from any other coal mines in the county of Inverness, to one or more places of transshipment, and for the transporting of passengers and freight over such railroad or railroads, and all other business necessary and usually performed on railroads; for constructing and holding such wharves, docks, and piers, as may be necessary for the business of the company.

Incorporation.

2. The capital of the company shall be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each, which shall be personal property, and transferrable by assignment recorded in the books of the company.

Capital. Shares.

3. The Corporation shall have power to increase their capital stock by the issue of new shares, by a vote of the majority of the stockholders. Any coal company or other corporation, either foreign or incorporated in this Province, may own and transfer any of the stock in said company.

Capital may be increased.

4. The said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

Company when to go into operation.

5. The first meeting of the company shall be held at such time

First meeting—when held.

and place in this Province, or in the United States of America, as any three of the corporators named in this act shall determine, of which notice shall be given to the other corporators at least twenty days previous to such meeting, and at this or any subsequent meeting the company may be organized by the election of a Board of Directors of not less than three nor more than nine.

Liability of  
Stockholders.

6. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of said stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company; and no title of the company, their assignees or lessees, nor any incumbrance, shall be valid unless the same shall be duly recorded in the office of the Registrar of Deeds for the county or district where such lands lie.

Meetings—  
when held.

Agent.

Service of pro-  
cess.

7. The meetings of the company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized manager or agent, resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are situate; and in default of such appointment, or in case of the absence or death of such agent, such service may be made by affixing a copy upon some conspicuous building or office of the company within the county where the property is located.

Commencement  
of operations.

8. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to exercise the powers and privileges herein and hereby conferred upon them.

Proceedings to  
obtain lands.

9. Whenever it shall be requisite in the construction of any railroad, or of any wharves, piers, or docks, contemplated by this act, that this company should be invested with the lands over which the same shall pass, or necessary for the use and enjoyment thereof, and no agreement can be made for the purchase thereof, it shall be lawful for the Directors to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court in this Province, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; thereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month

in at least two newspapers published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect or cannot agree to make such nomination, the Judge shall, on proof of such publication, or service of such notice, nominate two appraisers, and said Directors shall nominate one appraiser, and the Judge shall, by an order in writing, direct the said three appraisers thus nominated to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to appraise such land, and shall make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement or direct an appraisement *de novo*,—and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the Court or a Judge may direct, and registering such order, affidavit, appraisement, and confirmation in the office of Registrar of Deeds in the county in which said lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

10. The company may subscribe for, take, hold, and dispose of stock, in any other incorporation organized or to be organized, having the power to construct a railroad from the mines of this company or from the vicinity of the same, to any place or places of transshipment; said company shall be authorized, through its officers or other agents, as the Board of Directors may appoint, to vote as a stockholder, and to exercise all other powers of a stockholder in relation to the stock so held by them in such incorporation aforesaid.

May hold stock  
in other com-  
panies.

11. The said Mabou Coal Mining Company shall be authorized and empowered to issue its bonds, secured by a mortgage, on all or any of its property, real, or personal, or to lend its credit in any manner they may see fit, or to loan money to aid in the construction of such railroad as is last mentioned. The company shall be authorized and empowered to guarantee and secure the bonds of any such railway company, issued for the purpose of building any such railroad, as last aforesaid, by a pledge, or mortgage, of all or any of its property, real, or personal, or otherwise; any mortgage, issued for the purpose mentioned in this section, shall be recorded and have the same effect in all respects as is mentioned in section six of this act.

May issue  
bonds, &c.

May guarantee  
certain bonds.

May construct  
railway.

12. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases to such regulations, if any, as may be made by the Court of Sessions, to insure the safety of the inhabitants and their property.

Bye-laws.

13. The company shall have authority to make all such regulations and bye-laws as they may deem proper for the management of their business and disposition of their property, not inconsistent with this act and the laws of the Province.

May erect  
piers, &c.

14. The company may erect piers, breakwaters, and shipping places for coal, upon any lands owned by the company, or acquired as herein provided, or upon any government property adjacent thereto, in respect of which such permission shall be granted by the Governor and Council.

List of stock-  
holders to be  
filed.

15. A list of the stockholders of the Corporation, and of the number of shares held by each of them, on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November, in each year, with the Registrar of Deeds in the county where the principal works of the company are situated, such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer or copy thereof.

Books open to  
inspection.

16. The books and accounts of the company shall, at all times, be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

## CHAPTER 73.

### An Act to amend the act to incorporate the Broad Cove Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

Capital—shares.

1. The capital stock of the company shall be fifty thousand dollars, in shares of fifty dollars each, instead of one hundred and fifty thousand dollars in shares of one hundred dollars each, as in the second section of the act hereby amended is enacted, and so much of the act hereby amended as is inconsistent with this act is repealed.

*JP 4225*

CHAPTER 74.

An Act to incorporate the "Commercial Bank of Windsor."

(Passed the 18th day of April, A. D. 1865.)

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|--|---|
| 1. Incorporation.  | 20. Form of bonds, &c.                                    |
| 2. Officers.   | 21. Total debts not to exceed treble capital. Proviso.    |
| 3. Capital. Shares.                                      | 22. Dividends, &c.  |
| 4. Real estate.  | 23. Books open to inspection of Directors.                |
| 5. General meetings—when held. Directors.                | 24. Notes—how signed, &c.                                 |
| 6. Two Directors annually elected.                       | 25. Act when to cease.                                    |
| 7. Annual meeting of stockholders.                       | 26. Interest payable, in case of refusal to pay in gold.  |
| 8. Officers, &c.   | 27. Counterfeit notes.                                    |
| 9. Business—how conducted.                               | 28. Bank where established.                               |
| 10. Qualifications for Directors.                        | 29. Half yearly returns. Form.                            |
| 11. Cashier, &c. shall give bonds.                       | 30. Corporation dissolved if half capital lost.           |
| 12. Votes.   | 31. General meeting—how called.                           |
| 13. Proxies.   | 32. Proceedings or dissolution of corporation.            |
| 14. Vacancies—how filled.                                | 33. Liability in case of official mismanagement. Proviso. |
| 15. Business of bank—when commenced.                     | 34. Vaults may be inspected, &c., by whom.                |
| 16. Shares—how assigned, &c.                             | 35. Act not to affect Cap. 33 Rev. Stats.                 |
| 17. Corporation may conduct banking in all its branches. | 36. Continuance of act.                                   |
| 18. Liability of shareholders.                           |   |
| 19. Liability of shareholders after repeal of act.       |   |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Perez M. Cunningham, Bennett Smith, Ezra Churchill, G. P. Payzant, William Dimock, W. H. Blanchard, E. W. Dimock, and R. B. Porter, and such other persons as are or may become shareholders in the corporation hereby established, their successors and assigns, shall be a body corporate, by the name of the "Commercial Bank of Windsor," for the purpose of carrying on the business of banking. Incorporation.

2. The business of the corporation shall be conducted by a President and four Directors. Officers.

3. The capital of the company shall consist of two hundred thousand dollars, with power to increase the same to three hundred thousand dollars, if deemed necessary, by a vote of the stockholders, which shall be divided into five thousand shares of forty dollars each; and twenty-five per cent. of the stock which shall be subscribed for shall be paid within six months after the whole capital shall have been subscribed, and the balance of each share, in instalments not exceeding ten per cent. at any one time, shall from time to time be called for and paid at such periods as may be determined by the Directors; but no instalment shall in any case be called in unless thirty days notice shall have been first given in two or more newspapers published in Halifax, of the time and place of payment of such instalments. Capital. 200,000  
Shares. 25 per Cent. subscribed

Real Estate.

4. The company shall be authorized to hold real estate to any extent not exceeding forty thousand dollars, and nothing herein contained shall prevent the company from taking or holding real estate to any amount whatever, under judgment, or by mortgage recovered or taken as collateral security, for any money advanced by or for debts due the corporation; but the said Corporation shall on no account lend money upon mortgage upon real estate, nor upon the security of any stock in the bank, unless by way of additional security for debts contracted with the Corporation in the course of its dealing.

General meeting—when held.

5. After the passing of this act, whenever fifty thousand dollars of the capital stock shall have been paid in,—before which no person shall be entitled to vote for any purpose,—a general meeting of the stockholders of the said Corporation shall take place, by notice in two at least of the newspapers published in Halifax, ten days before such meeting, for the purpose of organizing the said bank, and making such bye-laws and regulations for the management of the affairs of the said bank as the stockholders then present, or a major part of them, shall deem necessary; and also for electing five Directors, by the stockholders, under the regulations hereinafter provided, which Directors shall elect out of their number a President; and they shall have full power to manage the affairs of the corporation, and shall conduct the business of the said bank, subject, nevertheless, to the rules and regulations hereinafter provided; at which general meeting the stockholders present, or the major part of them, shall determine the mode of transferring and disposing of the stock and profits thereof, which, being entered into the company's books, shall be binding on the stockholders, their successors, and assigns, until altered at any other general meeting.

Directors.

Two Directors annually elected

6. Two of the Directors shall annually go out of office in rotation, but shall be eligible for re-election at once, if the stockholders shall see fit.

Annual meeting of stockholders.

7. There shall be an annual meeting of the stockholders, to be held on the second Tuesday in February, in each year, at which annual meeting all vacancies in the Board of Directors shall be filled up, and, after the election of Directors, they shall annually choose out of their number one to be President for the ensuing year, or until another is chosen in his room. In the choice of Directors, stockholders shall vote according to the rule hereinafter mentioned.

Officers, &c.

8. The Directors for the time being shall have power to appoint such officers, clerks, and servants as they shall think necessary for carrying on the affairs of the bank, and shall allow them such compensation as they shall think right, all which, together with the expense of buildings, rent, and other expenses, shall be paid out of the funds of the company; and the Directors shall exercise such other powers for managing the affairs of the company as the bye-laws shall direct.



9. The business of the Corporation shall be transacted by such number of the Directors as shall be determined upon by the stockholders, and specified in the bye-laws, of whom the President always shall be one ; but in case of sickness or temporary absence, the Directors present may choose one of their Board as Chairman in his stead. The President or Chairman shall vote at the Board as a Director, and in case of their being an equal number of votes on any question, the President or Chairman shall have a casting vote.

Business—how conducted.

10. No person shall be eligible for a Director unless he is a stockholder, and holding in his own right not less than fifty shares of the stock of the company, upon which shares all amounts due shall have been fully paid. And if any Director, while in office, shall cease to hold fifty shares in said stock, such Director shall forthwith go out of office, and cease to be a Director, and another Director shall be chosen in his stead, as hereinafter directed.

Qualifications for Directors.

11. Every cashier and clerk of the Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved by the said Directors ; that is to say, every cashier in a sum not less than twenty thousand dollars, with a condition for his good behaviour ; and every clerk with the like condition, and sureties in such sums as the Directors shall require.

Cashier, &c. shall give bonds.

12. The number of votes which each stockholder shall be entitled to on every occasion when, in conformity with the provisions of this act, the votes of stockholders are to be given, shall be in the following proportion, that is to say : for one share and less than five, one vote ; for five shares and less than ten, two votes ; for ten shares and less than twenty, three votes ; for twenty shares and less than forty, four votes ; for forty shares and less than sixty, five votes ; for sixty shares and less than eighty, six votes ; for eighty shares and less than one hundred, eight votes ; and for one hundred shares, and all shares above that number, ten votes, which shall be the greatest that any stockholder shall be entitled to have.

Votes.

13. All stockholders, resident within this Province or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient written authority from his constituent or constituents so to act ; but no person shall hold more than three proxies.

Proxies.

14. The Directors may fill up any vacancy that may occur in the office of President or Directors, by death, removal, resignation, or absence from the Province for three months, or any incapacity of the President or any of the Directors ; and the person so chosen shall serve until the next succeeding annual meeting of the stockholders.

Vacancies—how filled.

15. As soon as the sum of fifty thousand dollars shall have been actually paid in on account of the stock, and not before, notice thereof shall be given in two at least of the newspapers

Business of bank—when commenced.

*55000 to be paid up*

published in Halifax, and the Directors may commence the business of the bank.

Shares, how assigned, &c.

16. The shares shall be assignable or transferrable according to the rules which may be established in that behalf; but no assignment or transfer shall be valid unless it shall be entered in a book to be kept for that purpose, nor until the person or persons making the same shall discharge all debts actually due and payable to the Corporation, and such stock shall be a pledge for any debt which may become due by the holder thereof to the bank, and be disposed of as other stock pledged to the bank; and in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferrable; and when any stockholder shall transfer all his stock, or it shall be transferred to any other person or persons, such stockholder shall cease to be a member of the said Corporation.

Corporation may conduct banking in all its branches.

17. The Corporation may conduct the business of banking in all its branches, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory notes, gold, and silver coin, or bullions, and in other than the current moneys of this Province; or in the sale of goods and stock, really and truly pledged for money lent and not redeemed, which goods and stock, so pledged, shall be sold by the Corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent, and interest, together with the expense of sale, such surplus shall be paid to the proprietors thereof respectively.

Liability of shareholders.

18. The joint stock or property of the Corporation shall alone be responsible for the debts and engagements of the Corporation; and no person or persons who may have dealings with the Corporation, shall, on any pretence whatever, have recourse against the separate property of any present or future member of the Corporation, or against their persons, except in the cases specified in this act, further than may be necessary to secure the faithful application of the funds of the Corporation.

Liability of shareholders after repeal of act.

19. Shareholders in the Corporation, when this act shall expire or be repealed, shall be chargeable in their individual capacities, and shall be holden for the payment and redemption of all bonds, bills, and notes, which may have been issued by the Corporation, and which may then remain unpaid; but only according to, and in proportion to the share and interest which they may respectively hold in the capital stock of the Corporation at the time of such expiration or repeal.

Form of bonds, &c.

20. Every bond, bank bill, or bank note, or other instrument, by the terms and effect of which the Corporation may be charged, or held liable for the payment of money, shall especially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the Corporation.

21. The total amount of the debts which the Corporation shall at any time owe, whether by bill, bond, or note, or other contract, whatsoever, exclusive of the sum due on deposits, shall not exceed treble the amount of the capital stock actually paid in by the stockholders; nor shall there be due to the Corporation at any one time, more than treble the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors, under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the Corporation shall also be liable for such excess.

Total debts not to exceed treble capital.

Proviso.

22. The Directors shall make half yearly dividends out of the profits, rents, premiums, and interest of the Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in at least two of the newspapers published in Halifax; but the Directors shall not be compelled to make or declare any dividend at an earlier period than one year from and after the time of going into operation, unless they shall think it expedient to declare a dividend at an earlier period.

Dividends, &c.

23. The books, papers, correspondence, and funds of the Corporation, shall at all times be subject to the inspection of the Directors; but no stockholder, not a Director, shall inspect any books, or the account of any individual with the Corporation.

Books open to inspection of Directors.

24. All the notes or bills issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made on stereotype plates; and all bills or notes, so signed and countersigned, shall be binding upon the Corporation, although not under their seal, which bills or notes shall be payable by the Corporation in gold or silver on demand.

Notes, how signed, &c.

25. If the total amount of all the notes of the bank, issued and in circulation, shall at any time exceed the amount fixed and determined by the act of incorporation of the bank, such act of incorporation shall cease and determine from the time when such excessive issue shall have accrued.

Act when to cease.

26. In case the officers of the Corporation shall, in the usual banking hours in the bank, refuse or delay payments in gold or silver of any note or bill of the Corporation, then presented for payment, the Corporation shall be subject to pay on such note or bill to the holder thereof, twelve per cent. interest per annum from the day of such refusal till the time of payment.

Interest payable, in case of refusal to pay in gold.

27. The Corporation shall be liable to pay any bona fide holder the original amount of any note of the bank which shall have been counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration.

Counterfeit notes.

Bank where established.

28. The bank shall be kept and established at Windsor, or at such other place as the Board of Directors may think it necessary to remove the bank to, on account of any great emergency for the security thereof.

Half yearly return.

29. The Cashier of the bank shall, twice in each year, that is to say : on the thirty-first day of January and the thirty-first day of July, make a return of the state of such bank as it existed at the closing of the books on those days respectively, and he shall transmit the same as soon as may be, not exceeding fifteen days thereafter, to the Provincial Secretary, for the purpose of being laid before the legislature, at its next session, which returns, respectively, shall specify the amounts then due from the bank, designating in distinct columns, the several particulars included therein ; and shall also specify the resources of the bank, designating in distinct columns the several particulars included therein ; and the said returns shall be in substance, as follows :

Form.

State of the Commercial Bank of Windsor on the — day of —

DUE FROM THE BANK.

Capital Stock . . . . .	\$
Bills in circulation . . . . .	
Nett profits on hand . . . . .	
Balances due to other Banks . . . . .	
Cash deposited, including all sums whatsoever due from the bank not bearing interest ; its bills in circulation—profits and balances due to other banks excepted . . . . .	
Cash deposited bearing interest . . . . .	
Total amount due from the bank . . . . .	

BALANCES OF THE BANK.

Gold, silver, and other coined metals, in its banking house . . . . .	
Real Estate . . . . .	
Bills of other banks incorporated in this Province . . . . .	
Bills of all other banks . . . . .	
Balances due from other banks . . . . .	
Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, excepting the balances due from other banks . . . . .	
Total amount of the resources of the bank . . . . .	
Rate and amount of the last dividend . . . . .	
Amount of reserved profits at the time of declaring the last dividend . . . . .	
Amount of debts due to the bank, secured by a pledge of its stock . . . . .	
Amount of debts due and not paid, and considered doubtful . . . . .	

which return shall be signed by the Cashier of such bank, who shall make oath before some Justice of the Peace to the truth of every such return, according to the best of his knowledge and belief, and one of the Directors of such bank shall certify and make oath, that the books of the bank indicate the state of facts so returned by the Cashier, and that he has full confidence in the truth of such return; and no further or other returns shall hereafter be required from the bank; copies of which statements shall be laid before the stockholders at the general annual meeting of the Corporation.

30. If, upon the exhibition of the yearly account of the Corporation, and of the property and effects thereof, it shall appear to the satisfaction of the Legislature, if then in session, or to the Governor in Council, if the Legislature be not in session, that the paid up capital of the Corporation has been diminished, by losses and bad debts, to one-half of the amount of the capital, or sum so paid up, that then the said Corporation shall be dissolved by an act of the Legislature, if in session, or if not, by proclamation of the Governor in Council.

Corporation dissolved if half capital lost.

31. Any number of stockholders, not less than thirty, who, together, shall be proprietors of six hundred shares, shall have power at any time to call a general meeting of the stockholders, for purposes relating to the business of the Corporation, giving at least thirty days notice in at least two newspapers published at Halifax, specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any three of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

General meeting, how called.

32. On any dissolution of the Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing the affairs of the Corporation, and for dividing the capital and profits, which may remain amongst the stockholders in proportion to their respective interests: provided always, that notwithstanding such dissolution, it shall and may be lawful to use the corporate name, style and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of the property, real, personal, and mixed, thereto belonging, but not for any other purpose or manner soever, nor for a period exceeding four years after the dissolution; and the Directors in office at the happening thereof, shall, during those four years, if necessary, continue in office, and shall be charged with, and take effectual measures for closing the concerns of the Corporation, and dividing the remaining capital and profits amongst the stockholders, according to their respective interests therein.

Proceedings on dissolution of corporation.

33. In case any loss or deficiency of the capital stock of the Corporation shall occur from the official mismanagement of the Directors, the stockholders at the time of such mismanagement,

Liability in case of official mismanagement.

Proviso. shall, in their private individual capacities, be respectively liable to pay the same, provided that in no case shall any one stockholder be liable to pay a sum exceeding in amount the stock then actually held by him, in addition to the stock so actually held by him.

Vaults may be inspected, &c. by whom.

34. Any person nominated by the Governor in Council, or any joint committee named by the Legislature, for that purpose, shall at any time have free access to the books and vaults of the Corporation for the purpose of examining into their proceedings, provided no person shall have access who is a stockholder or director of any other bank; and also provided such person or committee shall not be authorized to examine the account of any individual with the company; and that no member of the company shall be on such committee.

Act not to affect Cap. 33 Rev. Stats.

35. Nothing in this act shall affect the operation of chapter 33 of the Revised Statutes, entitled "Of Currency."

Continuance of act.

36. This act shall continue and be in force for twenty years, and from thence to the end of the then next session of the General Assembly.

## CHAPTER 75.

An Act to incorporate the Stone Cutters and Masons' Association of Halifax and Nova Scotia.

(Passed the 18th day of April, A. D. 1865.)

1. Incorporation.

2. Bye-laws.

3. Officers.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Gustavus Hird, William Carr, Sylvester O'Donohoe, Thomas Jardine, William Tummings, Neil Macaulay, James Brown, Robert Rivens, and such other persons as now are or shall become members of the company hereby established, and their successors, are hereby created a body corporate by the name of "the Stone Cutters and Masons' Association of Halifax and Nova Scotia," for the purpose of assisting members during sickness, contributing towards their funeral expenses in case of death, providing for widows and families of deceased members, and also for other benevolent purposes.

Bye-laws.

2. The Association shall have power to make such bye-laws as shall be necessary for the purpose of carrying out the objects for which it is incorporated, such bye-laws to be approved by the Governor in Council.

Officers.

3. The officers of the Association shall consist of a President, Vice President, two Secretaries, a Treasurer, and such others as may be specified in the bye-laws.

## CHAPTER 76.

An Act to incorporate the Trustees of the Presbyterian Church of Middle River, in the County of Victoria, in connection with the Presbyterian Church of the Lower Provinces.

(Passed the 18th day of April, A. D. 1865.)

- |   |  |   |
|---|--|---|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Congregation—how constituted.</li> <li>3. Real estate.</li> <li>4. Meetings—how called.</li> </ol> |  | <ol style="list-style-type: none"> <li>5. Vacancy in Trustees—how filled.</li> <li>6. Annual meeting—when held.</li> <li>7. Private rights not affected.</li> </ol> |
|---|--|---|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Kenneth McKenzie, Kenneth Campbell, Alexander McRae, Edward McLeod, Donald McLean, Donald McQuarrie, John McRae, Kenneth McLellan, and John McDonald, and their successors in office, to be elected according to the rules of the Church, are hereby created a body corporate by the name of "the Trustees of the Presbyterian Church, Middle River, in connection with the Presbyterian Church of the Lower Provinces"; and the real and personal estate belonging to the congregation is vested in them under this act. Incorporation.

2. The persons whose names are or shall be subscribed to the call of the minister, and those receiving ordinance or enjoying the regular ministration of the pastor, shall constitute the congregation, and be subject to the rules thereof; membership and voting, in all cases, to be according to the established rules of the church. Congregation—  
how constituted

3. The Trustees may purchase, take, and hold real estate for the use of the congregation, not exceeding eight thousand dollars, and shall have power to raise funds by mortgage or loan, for repairing any church to which they may be entitled, or for erecting a new one in a convenient locality; or for building a manse for the use of the minister, in connection with the congregation, as the case may be. Real Estate.

4. The Trustees (three to be a quorum) may meet whenever they think proper, provided public notice be given from the pulpit, or in writing, six days before the meeting takes place. Meetings—how  
called.

5. In the event of a vacancy by the death, removal, or resignation of a Trustee, such vacancy shall be filled by a vote of the majority of the congregation, convened for that purpose. Vacancy in  
Trustees—how  
filled.

6. A public meeting of the Trustees and congregation shall take place annually, at such time as the congregation may direct; at such meeting the Trustees shall submit a return of all sums received and paid by them, and of all arrears due from the congregation. Annual meeting  
—when held.

7. Nothing herein contained shall be construed to interfere with, alter, or affect the rights of Her Majesty, or any body corporate, or private individuals or congregation, or the title to any existing church property. Private rights  
not affected.

## CHAPTER 77.

An Act to incorporate Royal Albert Lodge of Freemasons,  
North Sydney.

(Passed the 18th day of April, A. D. 1865.)

1. Incorporation.                      2. Real estate.                      3. May collect debts.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Albert Corbet, Daniel Lawler, John Vooght, James Kerr, John Evans, William Peppitt, William H. More, and their associates, Master Masons, and members of the Royal Albert Lodge, number three hundred and seventy-nine in the registry of the Grand Lodge of Scotland, and such other persons as shall be members of the Lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of "Royal Albert Lodge of Freemasons, North Sydney."

Real estate.

2. The Corporation may take, hold, and enjoy real estate, not exceeding in value four thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same, as may be deemed expedient.

May collect debts.

3. The Corporation may collect all arrears due to them under the present bye-laws of the Lodge.

## CHAPTER 78.

## An Act to incorporate the Waverley Gold Mining Company.

(Passed the 18th day of April, A. D. 1865.)

- |                                       |  |
|---------------------------------------|--|
| 1. Incorporation.                     | 7. List of stockholders to be filed.               |
| 2. Capital. Shares.                   | 8. Meetings—where held. Agent. Process—how served. |
| 3. First meeting—when and where held. | 9. Books open to inspection.                       |
| 4. Liability of stockholders.         | 10. Work must commence within two years            |
| 5. Stock—how paid for.                |  |
| 6. Transfer of shares.                |  |

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. A. D. Lamson, Wellington Burnett, Carlos Pierce, Charles F. McClure, Clarence M. Sanderson, Charles W. Pierce, and John E. M. Gilley, their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of "The Waverley Gold Mining Company," for the purpose of mining, quarrying, digging, crushing, washing, and otherwise winning gold or gold bearing quartz, and other metals and minerals; with full power to purchase, take, or lease, or otherwise acquire any lands, claims, or other property; and to erect all such buildings and machinery, as may from time to time appear expedient, and to carry on the business of



mining, quarrying, or otherwise searching for gold and other metals and minerals, and crushing, smelting, reducing, and refining the same, whether on account of the company, or for other persons, or companies, in such manner as they may from time to time deem conducive to the objects of the company.

2. The capital stock of the company shall be one hundred thousand dollars, to be divided into one hundred thousand shares of one dollar each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to two hundred thousand dollars by the issue of new shares; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in.

3. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as the above corporators, or any three of them, shall determine, and of which public notice shall be given in one or more newspapers published in the city of Halifax, in the Province of Nova Scotia, and in one or more newspapers published in the city of Boston, in the United States of America, at least twenty days previous to such meeting, and continued to the date thereof; at which, or any subsequent meeting, the company may be organized by the election of not less than three Directors, and of other necessary officers; and the shareholders, present in person or by proxy, shall have full power to organize the company, establish bye-laws, and elect all necessary officers.

4. No member of the Corporation shall be liable in his person or separate estate for the liabilities of the Corporation to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

5. The Directors of the company may receive lands, mines, buildings, machinery, mining rights or privileges, or any interest therein, respectively, in payment for stock subscribed for, or of any instalment or instalments due thereon; but subject, nevertheless, to such conditions as to valuation or acceptance of the same, or otherwise, as may be imposed by the bye-laws of the said company.

6. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

7. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds of the county or district where the principal works of the

Capital.

Shares.

First meeting—  
when and where  
held.Liability of  
stockholders.Stock—how  
paid for.Transfer of  
share.List of stock-  
holders to be  
filed.

company are situated in this Province; such certificate to contain the names of the stockholders, and the number of shares held by them respectively on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Meetings—  
where held.

Agent.  
Process—how  
served.

8. The meetings of the company shall be held at such place in this Province, or in the United States of America, as the Directors may appoint, and the company, through their Directors or otherwise, shall appoint a recognized manager or agent, resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the County of Halifax; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

Books open to  
inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Work must  
commence  
within two  
years.

10. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

## CHAPTER 79.

An Act to authorise the Trustees of the Baptist French Mission at Yarmouth to sell certain lands.

(Passed the 18th day of April, A. D. 1865.)

1. Trustees may sell real estate.

2. May execute deeds.

Be it enacted by the Governor, Council, and Assembly, as follows:

Trustees may  
sell real estate.

1. The Trustees of the Baptist French Mission Board at Yarmouth may, if they shall see fit, mortgage or sell the real estate at Tasket, in the County of Yarmouth, belonging to the said Board, for the benefit of such French Mission.

May execute  
deeds.

2. The Trustees, in case of sale, are authorized to execute a deed which shall convey to the purchaser the title to such real estate.

CHAPTER 80.

An Act to amend an Act to incorporate the Trustees of Saint Mathew's Church, in Halifax.

(Passed the 18th day of April, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The annual meeting, provided for in the second section of said act, shall hereafter be held on the second Tuesday of July, instead of on the day mentioned in such section. Annual meeting  
—when held.

CHAPTER 81.

An Act to incorporate the Boston Coal Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares.</li> <li>3. First meeting—when held.</li> <li>4. Liability of stockholders.</li> <li>5. Stock issued for purchase of mines, &amp;c.</li> <li>6. May take stock in railroad company.</li> <li>7. Meetings. Manager or Agent. Service of process.</li> </ul> | <ul style="list-style-type: none"> <li>8. Subscription books.</li> <li>9. Proceedings to obtain lands.</li> <li>10. List of stockholders to be filed.</li> <li>11. May construct railroads.</li> <li>12. When to go into operation.</li> <li>13. Act when to cease.</li> </ul> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

1. John F. Paul, of Boston, Massachusetts, and Charter D. Swain, of Roxbury, Massachusetts, their associates, successors, and assigns, are hereby constituted a corporation and body corporate by the name of the Boston Coal Mining Company, for the purpose of opening and working coal mines in the County of Richmond, shipping and selling coals and merchandize, and generally transacting all business connected therewith ; and purchasing, holding, conveying, and selling real estate, lands, personal property, mills and machinery, and for manufacturing coal oil, smelting and manufacturing of iron, and for other purposes connected therewith ; and the constructing, making and operating such railroads as such corporation may deem necessary for the transportation of coal and merchandize from and to the mines and places of shipment, and all other business and operations usually performed on railroads ; and for collecting and maintaining such wharves, docks, bulk-heads, cranes, piers, buildings, workshops, structures and erections, as may be necessary, or may be deemed necessary by the company for the working and operating of mines, railroads, and manufactories, and the protection and safety of shipping, the conveyance, and the sale of coal. Incorporation.

nient shipping and transportation of coals and other merchandise, and the transaction of all the other business affairs of the company.

Capital.  
Shares.

2. The capital of the company shall be one hundred thousand dollars in shares of not less than fifty dollars each, which shall be personal property, transmissible and assignable as such, and the corporation shall have power to increase their capital stock by the issue of new shares, from time to time, by vote of at least two-thirds of the stockholders, and power to issue mortgage bonds from time to time, bearing interest at a rate not exceeding six per cent., payable semi-annually in Boston, New York, or Halifax, if the same be advisable and so decided by a vote of at least two-thirds of the stockholders.

First meeting—  
when held.

3. The first meeting of the company shall be held at such time and place in the Province of Nova Scotia, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given in two of the Halifax newspapers at least twenty days previous to such meeting; at which, or at any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than three nor more than five, of whom three shall be a quorum, who shall have the management of the affairs and property of the company, and make such bye-laws and regulations as may be necessary for carrying on the business of the company: provided such bye-laws are not inconsistent with the laws of the Province, subject to the approval of the stockholders.

Liability of  
stockholders.

4. No member or stockholder of the company shall be liable in his person or separate estate for any debt or debts of the company to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Stock issued for  
purchase of  
mines, &c.

5. The Directors of the company may, from time to time, issue shares of stock as they may deem necessary for the purchase of mines, lands, and other property, for the purposes aforesaid, or for the improvement of their property, at such times and in such amounts as may be deemed necessary or advisable by the Board of Directors, and stock issued for the purchase of mines, lands, and other property, or for the improvement of their property, shall, when so issued in payment of mines, lands, and other property, so purchased by said company, or applied in payment for improvements made to their property, be taken to be, and is hereby declared to be full stock, the same as if paid for by the holder in cash; and such stock, so issued, and used for the purpose aforesaid, shall not be subject to any further calls, nor shall the holder or holders be liable for any payment on account thereof.

May take stock  
in railroad  
company.

6. The Directors of said company may, by a vote of two-thirds of the Directors, subscribe in the name of the said

company for stock, to such an amount as they deem advisable, in any railroad company or companies for harbor improvements, and may pay for stock thus subscribed either with the property or assets of the corporation hereby incorporated, or by the issue of mortgage bonds, or with stock in the company hereby incorporated, and for that purpose new and increased stock may be issued, or new and increased mortgage bonds may be issued, as may be deemed advisable by a vote of at least two-thirds of the stockholders; and when new and increased stock is thus issued for the purpose of paying for stock subscribed in other companies, as aforesaid, the new stock thus issued, when used in payment as aforesaid, shall be taken to be, and is hereby declared to be full stock, the same as if paid for by the holder or holders thereof in cash, and shall not be subject to further calls, nor shall either holder or holders thereof be liable for any payment on account thereof.

7. The meetings of the company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized manager or agent, resident in the Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county where the principal works of the company are situated; in default of such appointment, or in case of the absence of such agent from the Province, or doubt of absence, service of process may be made by leaving a copy in the principal office of said company within the county wherein the property is located, with some person in said office of suitable age and discretion, having charge thereof, or if said principal office is permanently or continuously closed, so as not to admit of such service in the manner last aforesaid, then such service may be made by affixing a copy upon some conspicuous part of the principal building of said company or office of said company, within the county where the property is located.

Meetings.

Manager or Agent.  
Service of process.

8. The Corporation may open books for the subscription of stock in one or more places out of the Province, as also books for the transference of stock; may also appoint officers for the same, and paying interest and dividends for the whole or any part of the stock with agencies and branch offices, for the purposes of their incorporation.

Subscription books.

9. Whenever it shall be requisite in the construction or maintenance of the works of this company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase of such land required, it shall be lawful for the Board of Directors of the company to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the circumstances and the nature and situation of the lands required, the names of the owners or occupiers thereof, as far as the Board of Directors can ascertain the same, and the owners or occupants whose

Proceedings to obtain lands.

names they cannot ascertain, to be therein alleged as unknown owners or occupants, as the case may be, praying a conveyance of such lands to the company; whereupon such Judge, being satisfied that such lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice, in writing, to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month in at least two newspapers published in Halifax, and also one newspaper, if there be any, published in the county where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners and occupiers to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners and occupiers do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and such Directors shall nominate one appraiser, and the Judge shall, by an order in writing, direct the said appraisers thus nominated to value the land so required; and the appraisers, having first subscribed an affidavit in writing, to be annexed to such order, and sworn to before a Justice of the Peace, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to appraise such land, and shall make such appraisement in writing, under the hands of the appraisers, or a majority of them, and return the same with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct a new appraisement; and the company, upon paying or tendering the appraised value as finally confirmed, and the expenses, to be taxed by a Judge, of the owners on such appraisement to the owners, or in case of dispute, to such parties as the Court or a Judge may direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which the lands lie, who is hereby required to register the same, shall be considered the owners of the land.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in each of said last named months in each year, with the Registrar of Deeds of the county where the principal works of the company are situate; such certificate to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

11. The Corporation may construct such railroads as may be necessary for their operations over and across any other

List of stockholders to be filed.

May construct railroads.

railroads owned by private companies, or otherwise, and over public highways, rivers, brooks, streams or bays; subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions of the county for the safety of the inhabitants and their property, and the preservation of public or private rights.

12. The said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

13. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act when to cease.

CHAPTER 82.

An Act to incorporate the International Gold Mining Company.

(Passed the 2nd day of May, A. D. 1865.)

- |   |   |
|---|---|
| 1. Incorporation.                                 | 5. Bye-laws.                            |
| 2. Real estate.                                   | 6. Company—how organized.               |
| 3. Capital. Shares.                               | 7. List of shareholders to be filed.    |
| 4. Directors. General meeting, when held. Shares. | 8. Agent. Service of process.           |
|   | 9. Stock may be increased to \$100,000. |

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Frankfort Davis, Charles D. Swain, George Frost, James Ritchie, Andrew W. Newman, their associates, successors, and assigns, are hereby created a body politic and corporate, with all the rights, powers, and privileges incident to corporations of this Province, under the name of "The International Gold Mining Company."

Incorporation.

2. The company is authorized to mine and manufacture gold within this Province, and may purchase and acquire lands, tenements, and hereditaments, rights to property and choses in action, and deal therewith as natural persons may.

Real estate.

3. The capital stock of the company shall be forty thousand dollars, in shares of such denominations as may be fixed by law or vote of the Directors; but the company shall not go into operation until twenty-five per cent. of the capital stock is paid up.

Capital. Shares.

4. The Directors of the company shall not be less than five, nor more than fifteen, of whom a majority shall constitute a quorum to do business; they shall be elected at a general annual meeting of shareholders, to be held on the first Tuesday of June, A.D. 1865, and annually thereafter; but the day and place of such annual meeting may be changed by vote of the Directors, on due notice thereof, in one or more public newspapers, ten days before the day determined for such meeting; the directors, for property received for the use of the company,

Directors.

General meeting—when held.

Shares.

or for other valuable considerations, may issue full paid shares, or shares subject to assessment; they may make any issue of preferred shares, with such conditions of preference as shall be determined. Shareholders and subscribers for shares shall be liable to calls on such amount and at such times as the Directors may determine, but not to an amount exceeding the original amount of the shares, nor shall the holders of shares be subject to any liability beyond the full payment of the original amount of their shares. The organization of said company shall not lapse by reason of any failure to choose officers on the day appointed; but the officers may hold over until others be elected in their places.

Bye-laws.

5. The Directors may make bye-laws for said company, not inconsistent with this act and the laws of this Province, and repeal or modify the same, and may therein define the powers and functions of officers of the company; a copy of such bye-laws, being filed with the Secretary of the Province, shall have the same force as if herein enacted.

Company—how organized.

6. Until the first general meeting of shareholders, herein provided, the persons named in the first section hereof, or their instituted appointees, may organize said company, open books for subscription for shares, and act as Directors, until a Board be elected by the shareholders, as herein provided.

List of shareholders to be filed.

7. A list of the stockholders of the Corporation, and of the number of shares held by each of them, on the first days of May and November in each year, shall be filed, certified under the hands of the President and Secretary, with the Registrar of Deeds in the county where the principal works of the company are situated, such certificate to contain the names of the stockholders, and the number of shares held by them respectively on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer, or copy thereof.

Agent.

8. The company, through their Directors, or otherwise, shall appoint a recognized agent or manager, resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county where the principal works of the company are situated; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or, for want of such officer or employee, may be posted in some principal building of the company; and such service or posting shall be deemed a sufficient service on the company.

Service of process.

Stock may be increased to \$100,000.

9. The company may, at any annual meeting, regularly held under this act, enlarge their stock to a sum not exceeding one hundred thousand dollars.



## CHAPTER 83.

## An Act to amend the Act to incorporate the Union Protection Company.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

1. Property vested in company.

Whereas, the Union Protection Company, heretofore the Union Engine Company, since the date of its organization on the Eighth day of August, in the year 1768, has acquired from time to time, various articles of personal property, by purchase and presentation for services rendered to citizens whose property was protected at times of fire, and which the said company prize highly, and are desirous to preserve in perpetuity; and, whereas, it is desirable to set at rest any questions which might arise as to the title to said property,

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

1. All books, banners, flags, and personal property whatever, which have been so acquired by the said company from the time of its establishment in the year 1768, to the present time, shall be, and the same are hereby declared to be, the property of the said Union Protection Company and their successors forever.

Preamble.

Property vested in company.



**LOCAL ACTS.**



# LOCAL ACTS.

## CHAPTER 84.

An Act to confirm certain grants, and to authorize further grants of land in the Island of Cape Breton.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

1. Grants declared valid.

2. Authorizing future grants.

Be it enacted by the Governor, Council, and Assembly, as follows :

Whereas, before the annexation of Cape Breton to the Province of Nova Scotia, large reservations were made for highways and roads in various parts of the Island, which have proved unavailing and valueless for that object; and, whereas, since the annexation grants have passed, under the Great Seal of the Province, to various persons, granting to them many of the said roads and highways; and, whereas, doubts may exist respecting the rights to pass such grants.

Preamble.

Be it, therefore, declared and enacted by the Governor, Council and Assembly, as follows :

1. All such grants shall be, and the same are hereby declared to be, good, valid, and effectual for all purposes mentioned and contained in such grants, notwithstanding such reservations; but nothing herein contained shall extend to or apply to any cause or action now pending in the courts of law respecting such grants or reservations.

Grants declared valid.

2. Future or further grants of such reservations, hitherto ungranted, shall or may be made at any time hereafter.

Authorizing future grants.

## CHAPTER 85.

An Act to authorize the appointment of a Harbor Master at Sydney, Cape Breton.

(Passed the 31st day of March, A. D. 1865.)

1. Governor in Council may appoint Harbor Master for Sydney. Jurisdiction:

2. Fees.

3. Vessels intending to load at Sydney, liable to harbor dues there.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Governor in Council may appoint a Harbor Master for Sydney, in the County of Cape Breton, who shall have jurisdiction within the following limits, viz.: all that portion of

Governor in Council may appoint Harbor Master for Sydney.

Jurisdiction.	Sydney harbor lying to the southeast of a line drawn from Point Edward to Daly's Point, South Bar, to include Muggah's Creek, and to extend up Spanish River to Gibbons' bridge.
Fees.	2. The Harbor Master's fees shall be the same as those authorized to be taken at Sydney under Schedule B, of chapter 79 of the Revised Statutes, "Of Pilotage, Harbors, and Harbor Masters."
Vessels intending to load at Sydney liable to harbor dues there.	3. Vessels entering the port of North Sydney, but intending to load at the port of Sydney, shall be liable for harbor dues at the latter port only.

## CHAPTER 86.

An Act to enable the Churchwardens of St. Paul's Church, Halifax, to sell certain lands.

(Passed the 2nd day of May, A. D. 1865.)

Preamble.

Churchwardens may sell.

Preamble.

Whereas, one Conrad Musher, in the year one thousand seven hundred and sixty, devised certain lands and premises hereinafter described, to the Churchwardens of St. Paul's, in Halifax, and their successors, to and for the use of the poor of the said parish; and, whereas, the buildings upon the said lands are very old, and the said Churchwardens being unable to repair or renew the said buildings, desire authority to sell the said lands and premises, and to invest the proceeds thereof for the benefit of the said poor.

Be it enacted by the Governor, Council, and Assembly, as follows:

Churchwardens may sell.

1. It shall be lawful for the said Churchwardens of St. Paul's to sell and dispose of, either at public or private sale, as they may deem most advantageous, the said lots of land and premises so devised by the said Conrad Musher, more particularly described as follows, viz.: the house, half lot of ground in the north suburbs of Halifax, that is described and registered in number five, that is to say, the house and half lot that is to the northward; also, the house and lot occupied by the said Conrad Musher at the time of his decease, and the two lots that lie between Mr. Francheville's and Clayton's, and the house and half lot in number five, that is to say, the south part of said lot, with the appurtenances thereof; and the said Churchwardens are authorized and empowered to execute proper deeds and conveyances thereof to the purchaser or purchasers thereof: provided, however, that such purchaser or purchasers shall not be bound to see to the right appropriation of the purchase moneys by the said Churchwardens; and the nett proceeds thereof shall be invested by the said Churchwardens in provincial debentures, and applied in accordance with the trusts of the will of the said Conrad Musher.

Proceeds—how invested.

CHAPTER 87.

An Act to amend "An Act concerning the City of Halifax."

(Passed the 2nd day of May, A. D. 1865.)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1. Aldermen—term of office.</li> <li>2. City Court—how composed.</li> <li>3. Evidence—<i>viva voce</i> and <i>de bene esse</i>.</li> <li>4. Depositions of witnesses in civil cases—how taken. Notice. Causes shall be decided summarily.</li> <li>5. Police Court—jurisdiction of. Punishment.</li> <li>6. City Court—jurisdiction of. Limitation.</li> <li>7. Proceedings when Court disagree.</li> <li>8. Prosecutors on behalf of the Crown—fees.</li> </ul> | <ul style="list-style-type: none"> <li>9. Civil side of City Court—fees. Attorneys' fees in contested suits.</li> <li>10. Counsel fees.</li> <li>11. Prisoner may be committed for trial on <i>viva voce</i> examination.</li> <li>12. Police Court sentence on minors.</li> <li>13. Appeals.</li> <li>14. Tavern License—form of. Shop License—form <i>et</i>.</li> <li>15. Penalties for breach of License laws.</li> <li>16. Payment for Licenses. Bonds.</li> <li>17. Sections repealed. City Court fees.</li> </ul> |
|---|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The term of office for Alderman of the city of Halifax shall be three years, unless when he shall be elected to fill an extraordinary vacancy, in which case he shall serve for the unexpired portion of the term of his predecessor, or unless he resign office as indicated by the 59th and 60th sections of the act of which this is an amendment.

Aldermen—term of office.

2. There shall be within the City of Halifax a City Court, composed of the Mayor, one Alderman, and the Recorder; but in the absence of the Mayor, two Aldermen and the Recorder, who shall preside, and in the absence of the Recorder, the Mayor and two Aldermen shall constitute the Court, and the City Clerk or Assistant City Clerk shall act as Clerk of the Court.

City Court—how composed.

3. The City Court shall try every cause that is contested upon the examination of witnesses, *viva voce*, or by the evidence and depositions of witnesses about to leave the city, aged, infirm, or otherwise unable to attend the court, examined and taken, *de bene esse*, before either the Mayor, the Recorder, or any Alderman of the City of Halifax.

Evidence—*viva voce* and *de bene esse*.

4. In civil causes depositions of witnesses who are about to leave the city, or who are aged, infirm, or otherwise unable to attend the Court, may be taken before the Mayor, the Recorder, or any one of the Aldermen of the city, on twenty-four hours notice being given to the adverse party, and any party, upon shewing cause by affidavit, may obtain from the Mayor, the Recorder, or an Alderman, an order in such terms as the officer shall think fit, to compel an unwilling witness in such cases to give evidence before the Mayor, the Recorder, or Alderman. All causes shall be decided summarily and without unnecessary delay, and a majority of the court shall decide.

Depositions of witnesses in civil cases—how taken.

Notice.

Causes shall be decided summarily.

Police Court—  
jurisdiction of.

5. The Mayor, or in his absence the presiding Alderman at the Police office, shall, in a summary manner, hear and determine in the Police Court, all larcenies where the value of the goods taken shall not exceed forty dollars, receiving of stolen goods, assaults, batteries, riots, petty trespasses, all breaches of the peace committed within the city, and riots or disturbances at city elections, and punish the offenders, upon conviction, by imprisonment in the jail or city prison not exceeding ninety days, or by fine, not exceeding in any case the sum of forty dollars and costs of prosecution; and in case of non-payment of the fine and costs, commit the offender to the jail or city prison for any time not exceeding ninety days. Offences shall be prosecuted in every case within two months after commission.

Punishment.

City Court—  
jurisdiction of.

6. The City Court shall have cognizance, power, and jurisdiction to try and determine, in a summary way, without a jury, all criminal cases for offences either at common law or by statute, and all complaints of any breach of any bye-law or ordinance of the city, which shall be committed within the boundaries already specified regarding the limits of city jurisdiction, and which are punishable by fine or imprisonment, or both, and to sentence the offenders, upon conviction, to such punishments as are by law imposed thereon; provided that it shall not be lawful for the City Court, in any case whatever, to impose a fine exceeding one hundred dollars, or imprisonment beyond the term of six months, except in the case of enticing soldiers or sailors to desert from her Majesty's service, where a fine may be imposed not exceeding two hundred dollars, and imprisonment for twelve months; nor shall any crime or misdemeanor, which is punishable by imprisonment for a term not less than eighteen months, be heard and determined in the City Court.

Limitation.

Proceedings  
when Court  
disagree.

7. Whenever upon the trial of any person before the City Court upon a charge for any criminal or penal offence, the Mayor, Recorder, and Alderman, or other Justices trying the same, cannot all agree as to the judgment to be given, the person accused shall be acquitted, or remanded to take his trial before the Supreme Court, provided all concur in directing such remand.

Prosecutor on  
behalf of the  
Crown—fees.

8. Whenever any barrister shall be directed by a Judge of the Supreme Court to attend to prosecute, on behalf of the Crown, the trial of any criminal cause in the City Court, the Court may tax and allow a counsel fee not to exceed fourteen dollars, to be paid out of the Provincial Treasury, in the same manner as costs of criminal prosecutions in the Supreme Court.

Civil side of  
City Court—  
fees.

Attorneys' fees  
in contested  
suits.

9. In the civil side of the City Court the undermentioned fees may be taxed by the Court or Recorder, that is to say: Attorneys' fees in all contested suits where the cause of action is below forty dollars, the same as are at present taxable in summary suits in the Supreme Court, with power to the Court to allow and tax a counsel fee not to exceed four dollars.



10. In suits where the cause of action is forty dollars and upwards, the same costs as above mentioned, with power to the Court to allow and tax a counsel fee not to exceed six dollars; in all undefended suits the attorney of the plaintiff, where the plaintiff appears by attorney and obtains judgment, may be allowed two dollars and thirty-five cents, to be taxed by the said court.

Counsel fees.

11. Where, upon a *viva voce* examination of the complaint in the presence of the person accused of any offence, it shall appear to the Mayor, or to the presiding Alderman at the Police office, that a *prima facie* case is made out, it shall not be necessary to take any written depositions, except where the prisoner is committed to take his trial before the Supreme Court; but he may thereupon be committed, without further examination, to take his trial at the then next ensuing sittings of the City Court.

Prisoner may be committed for trial on *viva voce* examination.

12. The City or Police Court, in the city of Halifax, may sentence any minor under the age of eighteen years, convicted of any offence which either of the said Courts have power to try, to such term of confinement in the City Juvenile Reformatory, or any other house of reformation to be hereafter established, or recognized and approved by such Court, not exceeding three years, as to the Mayor or other Justices trying the same may seem proper; but the Court shall have power to remit the sentence, or any part thereof, on what may subsequently appear to be a sufficient reason for such remission.

Police Court sentence on minors.

13. An appeal to the Supreme Court shall be allowed from the decision of such City Court in all cases, on a bond to respond the judgment on such appeal being entered into by the appellant, with two securities, who shall be sufficient in the opinion of the Court; said bond, in case of a penalty, to be in double the amount of the fine.

Appeals.

14. The form of tavern license in the city of Halifax, shall hereafter be as follows:

Tavern license—form of.

#### *License Office.*

License is hereby granted to A B, of the city of Halifax, to sell and retail in a tavern, to be kept in the shop or premises occupied by him, situate [*here describe particularly the situation of the premises*] intoxicating liquors only, and no other articles, either provisions, goods, wares, or merchandize of any description, conformably to law. This license to remain in force for \_\_\_\_\_ months from the date hereof, subject to forfeiture for breach of the laws.

Given under my hand, as Clerk of License for the said  
city of Halifax, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—  
C. D., Clerk of License.

The form of shop license, in the city of Halifax, shall hereafter be as follows:

Shop license—form of.

*License Office.*

License is hereby granted to A B, of the city of Halifax, to sell, in a shop to be kept in the building occupied by him, situate [here describe particularly the situation of the premises] intoxicating liquors in quantities not less than one gallon; but no part whereof shall be consumed on the premises. This license to remain in force for ——— months from the date hereof, subject to forfeiture for breach of the laws.

Given under my hand, as Clerk of License of the said city, this — day of ———, A. D. 18—:

C. D., Clerk of License.

Penalties for breach of license laws.

15. All penalties for the breach of the license laws, incurred by selling liquors without license, and all prosecutions against parties having licenses, for violation of the laws, and all penalties for breach of any part of the license laws or bye-laws, or ordinances of the city of Halifax in reference thereto, or for breach of any bye-laws or ordinances of the city regulating licensed houses, shall, when the offence has been committed within the city of Halifax, be brought, in the name of the city, at the Police office, and the penalties shall be applied, one-half to the person who shall inform, and the remainder to the city; and on failure of payment, the party convicted shall be committed by the Court to the jail or city prison, for a term not exceeding one day for every five shillings of the penalty inflicted.

Payment for licenses.

16. Every person to whom a license shall be granted, shall, before receiving the same, pay down the whole duties, and shall also enter into a bond, with two sureties, in the form annexed to the 196th section of the said 81st chapter of 27 Victoria, which bond shall be prepared by the City Clerk, and when executed shall be filed with the said City Clerk.

Bonds.

Sections repealed.

17. The 114th, 116th, 188th, 196th, and 218th sections, and so much of the 81st chapter of 27th Victoria, as are inconsistent with this Act, are hereby repealed.

City Court fees.

18. The fees shall be taxed and allowed in the City Court, as follows, viz :

*Fees due to the City to be received by City Clerk, and paid over to the Treasurer of City.*

On summons .....	40 cents.
On capias and affidavit.....	70 cents.
On trial and judgment.....	1 dollar.
Recognizance or replevin bond.....	40 cents.
Subpena .....	10 cents.
Execution.....	20 cents.

*Fees to the City Marshal.*

Serving summons, execution, or capias, including travel .....	35 cents.
On a discharge from arrest, with or without bond. . . . .	40 cents.
On all monies collected and paid over under execution, five per cent.	

## CHAPTER 88.

An Act to revest the title of certain Lands in the City of  
Halifax.

(Passed the 2nd day of May, A. D. 1865.)

1. Portion of South Common revested in City of Halifax.
2. Inconsistent parts of Cap. 66, Acts 1864, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. All that portion of the South Common to the westward of the City Hospital, bounded as follows:—On the east by the City Hospital premises; on the south by South street; on the west by the road leading from Spring Garden road to Belmont, and on the north by Morris street, is hereby transferred and revested in the City of Halifax, to hold the same to the said city for ever.

Portion of  
South Common  
revested in City  
of Halifax.

2. So much of the fifth section of chapter 66 of the acts of 1864 as is inconsistent with this act, is hereby repealed.

Inconsistent  
parts of Cap. 66,  
Acts 1864,  
repealed.

## CHAPTER 89.

An Act to enable the City of Halifax to borrow Money to pay  
debt on Market House.

(Passed the 18th day of April, A. D. 1865.)

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. May borrow \$14,000. How appropriated.</li> <li>2. Tenders to be advertized for.</li> <li>3. Certificates.</li> </ol> | <ol style="list-style-type: none"> <li>4. Loan—how repaid.</li> <li>5. Sinking fund.</li> <li>6. City property liable for loan.</li> </ol> |
|---|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The City of Halifax shall have power to borrow, on the credit of the city, a sum of money not to exceed fourteen thousand dollars, at a rate of interest not exceeding six per cent. per annum, and such money shall be appropriated to redeem and retire the debentures issued for building a Market House, under the 34th chapter of the sixteenth of Victoria.

May borrow  
\$14,000.

How appropri-  
ated.

2. Tenders for the money required shall be advertized for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

Tenders to be  
advertized for.

3. The lenders shall receive for every four hundred dollars, so lent, a certificate under the City Seal, signed by the Mayor, and countersigned by the City Clerk, drawn in favor of such lenders, their endorsees and assigns, specifying the terms of loan

Certificates.

and rate of interest, such interest payable half yearly. These certificates shall be transferrable by an endorsement of the holder's signature, in the same manner as promissory notes.

Loan—how repaid.

4. The principal moneys of such loan shall be repaid to the lenders or holders within twenty years from the date of the loan; but the city may, at its option, pay off such certificates in whole or in part at the end of the first five years, and after that period, at any time, on six months notice, may pay off the whole or any part thereof; provided always, that not less than one-twentieth part of the capital sum of fourteen thousand dollars, in addition to the accruing interest, shall be paid off annually until the whole debt is liquidated.

Sinking fund.

5. Until the loan of fourteen thousand dollars is fully paid off, with interest, the rents and proceeds of the market shall form a separate fund in the hands of the City Treasurer, and shall be applied exclusively in the reduction and payment of the loan hereby authorized, with interest; such rents and proceeds to be first applied to payment of the interest, and the residue to form a sinking fund to pay off the principal of the loan.

City property liable for loan.

6. The loan hereby authorized, and interest, shall, notwithstanding, be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged.

## CHAPTER 90.

### An Act relating to Street Expenditure within the City of Halifax.

(Passed the 2nd day of May, A. D. 1865.)

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|--|--|
| 1. City may borrow \$12,000 for streets.   | 4. Sections 231, 232, and 234, Cap. 81, Acts 1864, repealed. |
| 2. Money to be obtained by tenders.        |  |
| 3. Certificates—how drawn and transferred. |  |

Be it enacted by the Governor, Council, and Assembly, as follows:

City may borrow \$12,000 for streets.

1. In order to lay down durable and substantial sidewalks and street crossings, and to defray the expenses thereof, the city of Halifax shall have power to borrow, on the credit of the city, in addition to the sum already borrowed, the sum of twelve thousand dollars, at a rate of interest not to exceed six per cent. per annum, to be paid and expended by the City Council, or under the directions of the Committee of Streets, to lay down sidewalks and street crossings; provided always, that not less than one-twentieth portion of the capital sum of twelve thousand dollars, in addition to the accruing interest, shall be paid off annually until the whole debt is liquidated.

2. Such loan may be obtained at once or in portions, from time to time, as the City Council may decide. Tenders for the money shall be advertized for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest, shall be preferred.

Money to be obtained by tenders.

3. The lenders shall receive for every four hundred dollars, so lent, a certificate under the City Seal, signed by the Mayor, and countersigned by the City Clerk, drawn in favor of such lenders, their endorsees, or assigns, specifying the terms of loan and rate of interest, such interest to be payable half yearly. The certificates shall be transferrable by an endorsement of the holder's signature, in the same manner as a promissory note.

Certificates—how drawn and transferred.

4. Sections 291, 292, and 294 of chapter 81, of the acts of 1864, are hereby repealed.

Secs. 291, 292, 294, Cap. 81, Acts 1864, repealed.

## CHAPTER 91.

### An Act relating to Victoria Bridge, across Bear River.

(Passed the 2nd day of May, A. D. 1865.)

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|--|--|
| 1. Governor in Council to appoint Commissioners. | 3. Expense of keeping up bridge, how provided for. |
| 2. Former proceedings declared legal.            | 4. Regulations, how made.                          |

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Governor in Council may appoint three Commissioners to superintend and manage the Victoria Bridge, now in course of erection over Bear River, between the counties of Annapolis and Digby.

Governor in Council to appoint Commissioners.

2. The proceedings heretofore had and taken with reference to the construction of such bridge are hereby declared to be legal and valid; and the Commissioners are authorized to direct the completion of such bridge on the site where it is now located.

Former proceedings declared legal.

3. The expense of keeping up and maintaining the bridge shall be charged upon the road moneys of the counties of Annapolis and Digby in equal proportions; and the Commissioners may appoint a suitable person as a keeper of such bridge, whose remuneration shall be fixed by the Commissioners and paid in equal proportions out of the road moneys of the counties of Annapolis and Digby.

Expense of keeping up Bridge—how provided for.

4. The Commissioners may make such regulations as they may deem necessary for the management of the bridge, subject to the approval of the sessions of the counties of Annapolis and Digby.

Regulations—how made.

## CHAPTER 92.

An Act to alter the time for holding the General Sessions for the District of Barrington.

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The General Sessions of the Peace, for the district of Barrington, shall be held on the first Tuesday of February, instead of the Monday next after the fourth Tuesday of April, as now by law directed.

General Sessions of Barrington to be held on first Tuesday of February.

## CHAPTER 93.

An Act to legalize Assessment Rolls in the County of Lunenburg.

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The assessment roll for Conquerall district, as made by the assessors of Bridgewater district, in the County of Lunenburg, for the present year, shall be valid, and all the assessment rolls of the said county for the present year are hereby declared legal and valid.

Assessment rolls for present year declared valid.

## CHAPTER 94.

An Act further to amend the Act to authorize a loan for the erection of a Court House and Jail in Yarmouth.

(Passed the 31st day of March, A. D. 1865.)

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|--|--|
| <ol style="list-style-type: none"> <li>1. Commissioners may borrow additional sum, not to exceed \$5000.</li> <li>2. Manner in which amount borrowed shall be repaid.</li> <li>3. Money must be borrowed in sums not less than \$400.</li> </ol> | <ol style="list-style-type: none"> <li>4. Lenders to receive certificates. Certificates transferrable by indorsement.</li> <li>5. Certificates—how paid off.</li> <li>6. Portions of Acts repealed.</li> </ol> |
|--|--|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The commissioners appointed under chapter 55 of the acts of 1861, to erect a court house and jail in the town of Yarmouth, may borrow, in addition to the sum of twelve thousand dollars which they are empowered to borrow under chapter 54 of the acts of 1862, a further sum, not exceeding five thousand dollars.

Commissioners may borrow additional sum, not to exceed \$5,000.

2. The amount borrowed, or to be borrowed, under this act and the acts hereby amended, shall be repaid in equal annual instalments of twelve hundred dollars, which, together with the amount of interest due on the several principal sums, shall be assessed and levied on that portion of the county comprised within the township of Yarmouth; and if such instalments and interest shall not annually be assessed by the Court of Sessions, the Supreme Court shall amerce the township for the same.

Manner in which amount borrowed shall be repaid.

3. The amounts which the commissioners are authorized to borrow under this act, and the acts hereby amended, may be borrowed in sums of not less than four hundred dollars.

Money must be borrowed in sums not less than \$400.

4. The lenders of the sums so borrowed shall receive certificates, signed by the commissioners and countersigned by the Custos and Clerk of the Peace, in favor of such lenders or their assigns, specifying the terms of loan and rate of interest, such interest to be paid half-yearly. The certificates shall be numbered in regular succession, and the principal made payable at periods in conformity with the terms of this act, be transferrable by endorsement of the holders' signatures thereon, in the same manner as promissory notes, but notice of such endorsement or transfer shall be given to the Clerk of the Peace and the Township Treasurer.

Lenders to receive certificates

Certificates transferrable by indorsement.

5. Any of such certificates may be paid off at any time by giving six months notice to the holder thereof.

Certificates—how paid off.

6. So much of chapter fifty-five of the acts of 1861, and of chapter fifty-four of the acts of 1862, as is inconsistent with this act, is hereby repealed.

Portions of Acts repealed.

## CHAPTER 95.

An Act to provide for completing a road in the Eastern Division of the County of Halifax.

(Passed the 2nd day of May, A. D. 1865.)

1. Members for East Halifax may borrow \$1200.      2. Money—how expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The members for the Eastern Division of the County of Halifax may borrow, on the pledge of the road moneys of the county and the security of this act, a sum not to exceed twelve hundred dollars, for the purpose of completing the road from Musquodoboit Harbor to Meagher's Grant in such county, such loan to be repaid by two equal instalments of half the sum borrowed, together with interest thereon, at a rate not exceeding six per cent., out of the road moneys of the Eastern Division of such county, during the years 1866 and 1867, until the whole amount borrowed, with interest, shall have been repaid.

Members for East Halifax may borrow \$1200.

2. The moneys borrowed, under this act, shall be expended by Commissioners, to be appointed by the Governor in Council.

Money—how expended.

CHAPTER 96.

An Act to change the name of certain places in the County of Lunenburg.

(Passed the 31st day of March, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

Name of certain places in Lunenburg County changed to "Bayswater."

1. Sandy Beach, North West Cove, South West Cove, Coleman's Cove, and Aspotogan Harbor, in the County of Lunenburg, shall hereafter be called and known as "Bayswater."

CHAPTER 97.

An Act for the appointment of New Trustees for the Halifax Grammar School.

(Passed the 2nd day of May, A. D. 1865.)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1. Trustees—how appointed.</li> <li>2. Trustees a body corporate.</li> <li>3. Real estate vested in Trustees.</li> <li>4. Trustees may sell land, &amp;c.</li> </ul> | <ul style="list-style-type: none"> <li>5. Vacancies in Trustees—how filled.</li> <li>6. Portion of Act 20, Geo. 3, and amendment, repealed.</li> </ul> |
|---|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

Trustees—how appointed.

1. The Governor in Council may appoint seven persons to be Trustees of the Halifax Grammar School.

Trustees a body corporate.

2. Such Trustees, and their successors, shall be a body corporate, by the name of "The Trustees of the Halifax Grammar School;" and all the rights, powers, and privileges, conferred by any previous act of this Province, on former Trustees, are hereby conferred upon the said Trustees and their successors.

Real estate vested in trustees.

3. All the real estate, lots of land, and premises in the city of Halifax, situate on Argyle, Sackville, and Barrington streets, on which the present Grammar School (with its appurtenances) stands, together with the buildings thereon, are hereby vested in the Trustees so to be appointed, and their successors.

Trustees may sell land, &c.

4. Such Trustees, and their successors, are hereby empowered to sell the said lots of land, buildings, and premises, and to purchase other lands for the said school, in the city of Halifax, and, if necessary, to mortgage such lands, when purchased, for the purpose of erecting thereon, buildings suitable for a school house, and, if practicable, for a master's residence also.

Vacancies in Trustees—how filled.

5. Whenever vacancies shall occur in such Board of Trustees, such vacancies shall be filled up by the Governor in Council.



6. So much of the act passed in the twentieth year of his late Majesty King George the Third, entitled "An Act for the establishing a Public School in the Town of Halifax," and of the act in amendment thereof, as is inconsistent with this act, is repealed.

Portion of Act 20, Geo. 3, and amendment, repealed.

### CHAPTER 98.

An Act to authorize the sale of the Old Meeting House at Tusket.

(Passed the 2nd day of May, A. D. 1865.)

Whereas, the old Meeting House at Tusket has ceased to be occupied, and the proprietors are desirous of disposing of the same.

Preamble.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. William S. Robins, William Hatfield, and John V. N. Hatfield, are hereby authorized to dispose of the said Meeting House, and to appropriate the proceeds of such sale, in equal proportions, amongst the parties legally entitled thereto.

Who may sell.

### CHAPTER 99.

An Act to provide for building an Aboiteau across the Cornwallis River.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Commissioners of Sewers for the County of King's County may build and erect an aboiteau over and across the Cornwallis River at Port Williams, in the County of Kings, under the terms and provisions of chapter 72 of the Revised Statutes, third series, "Of Commissioners of Sewers and the regulating of Dyked and Marsh Lands."

Commissioners of Sewers may build aboiteau.

### CHAPTER 100.

An Act to legalize Assessment Rolls for the County of Annapolis.

(Passed the 18th day of April, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Assessment Rolls for the County of Annapolis, for the present year, are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited therefor, under the chapter of the Revised Statutes "Of County Assessment."

Assessment rolls for 1866 legalized.

## CHAPTER 101.

## An Act to enable the inhabitants of Antigonish to purchase a Fire Engine.

(Passed the 2nd day of May, A. D. 1865.)

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|--|---|
| <ol style="list-style-type: none"> <li>1. Fire engine—how purchased.</li> <li>2. Expense to be assessed by sessions.</li> <li>3. Moneys—how collected.</li> <li>4. Penalties for neglect.</li> </ol> | <ol style="list-style-type: none"> <li>5. Payment may be enforced by warrant.</li> <li>6. Sessions—powers of.</li> <li>7. Commissioners.</li> </ol> |
|--|---|

Be it enacted by the Governor, Council, and Assembly, as follows :

Fire engine—  
how purchased.

1. The commissioners hereinafter named, or any two of them, shall have power to raise the funds necessary to be expended in procuring a fire engine, with necessary appurtenances, for the fire district of Antigonish, and for providing a covering for the same, and putting it in working order, by pledging the security of this act, which may be assigned in whole or in part as may be found necessary.

Expense to be  
assessed by  
sessions.

2. A general or special sessions for the County of Antigonish shall assess, by equal annual instalments, upon the fire district of Antigonish, such sum of money, not exceeding twelve hundred dollars, with interest, as shall be expended or guaranteed by the commissioners for the purpose in the preceding section mentioned, so that the same may be collected at such times as the Commissioners shall be required to refund the money so raised ; and such sessions shall appoint assessors to assess the same upon houses and buildings, and every species of insurable personal property within the district.

Moneys—how  
collected.

3. The assessors shall appoint a collector, who shall collect such moneys, and pay over the same to the commissioners, and such commissioners, or any of them, may maintain an action therefor against the collector.

Penalties for  
neglect.

4. Any collector or assessor neglecting to perform the duty mentioned shall forfeit the sum of forty dollars.

Payn. ent may  
be enforced by  
warrant.

5. The money to be assessed shall be collected, and payment thereof be enforced by warrant, as provided for in the case of county rates.

Sessions—  
powers of.

6. For the purposes of this act, and the Antigonish fire district, a general or special sessions shall have all the powers of a general sessions of the peace, under chapter 99 of the Revised Statutes, third series, "Of Fires and Firewards."

Commissioners.

7. William J. Beck, Thomas M. King, and Hugh McDonald, all of Antigonish, Esquires, are hereby appointed commissioners for the purposes of this act.

## CHAPTER 102.

An Act to provide for improving certain Roads and Bridges in the County of Hants.

(Passed the 18th day of April, A. D. 1865.)

1. Members may borrow \$1200.

2. Commissioners—how appointed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members for the County of Hants may borrow, on the pledge of the road moneys of the county and the security of this act, a sum not to exceed twelve hundred dollars, to be expended in improving certain roads and bridges in that county, such loan, together with interest thereon, at a rate not exceeding six per cent. per annum, to be repaid by two equal instalments out of the road moneys of the county, for the years 1866 and 1867, until the whole sum borrowed shall have been repaid.

Members may borrow \$1200.

2. The moneys borrowed, under this act, shall be expended by Commissioners, to be appointed by the Governor in Council.

Commissioners, how appointed.

## CHAPTER 103.

An Act to legalize Assessment Rolls for the District of Shelburne.

(Passed the 18th day of April, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Assessment Rolls for the District of Shelburne, for the present year, are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited therefor, under the chapter of the Revised Statutes "Of County Assessments."

Assessment roll for 1865 legalized.

## CHAPTER 104.

An Act to extend the period for the repayment of a loan by the County of Pictou.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members for the County of Pictou are hereby authorized to arrange for the extension of the period limited by chapter 78 of the acts of 1864, for the payment of the balance of the amount borrowed under the authority of chapter 52 of the act of 1860, and the payment to be made thereunder in 1865 may be made in 1866.

Time for payment extended.

## CHAPTER 105.

## An Act for the appropriation of Police Fines in the town of Dartmouth.

(Passed the 18th day of April, A. D. 1865.)

Preamble.

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|----------------------------|--|
| 1. Fines—how appropriated. | 2. Account of fines to be forwarded to Sessions. |
|----------------------------|--|

Preamble.

Whereas, a lock-up house has been built and a Police Court established at Dartmouth, in the County of Halifax, and the expense incurred thereby has been paid by an assessment on the rate-payers resident within the town plot of Dartmouth, so called, and no provision has been made for the appropriation of moneys that may arise from the fines imposed by said Court.

Be it enacted by the Governor, Council, and Assembly, as follows :

Fines—how appropriated.

1. All the surplus moneys arising from the fines imposed by the said court, after deducting the expenses thereof, shall be paid over from time to time by the Police Magistrates presiding therein to the County Treasurer ; and the same shall be appropriated to such public local purposes within the town plot of Dartmouth as the rate-payers at their annual meeting may, by resolution, direct ; and the sessions for the county shall issue a warrant for such money in conformity with such resolution.

Account of fines to be forwarded to sessions.

2. An account of all such fines shall be forwarded by the Police Magistrates of Dartmouth annually to the Court of Quarter Sessions for the county.

## CHAPTER 106.

## An Act relative to the new County Jail in Halifax.

(Passed the 2nd day of May, A. D. 1865.)

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|-------------------------------|--|
| 1. Management—in whom vested. | 2. Criminals to be kept at hard labor. |
|-------------------------------|--|

Be it enacted by the Governor, Council, and Assembly, as follows :

Management—in whom vested.

1. The title of the new County Jail, together with the site thereof, shall vest in the Commissioners for the new Court House, appointed pursuant to chapter 54 of the acts of 1864 ; but the care, management, and custody thereof, shall devolve upon and be exercised by the sessions for the County of Halifax.

Criminals to be kept at hard labor.

2. Criminals committed to the said Jail, upon conviction and sentence of any Court, or Justice of the Peace, shall be kept to hard labor (if so sentenced and directed by the commitment) by the Keeper of the said Jail.

CHAPTER 107.

An Act to authorize the sale of the Parsonage Lot and House at Northwest Lunenburg.

(Passed the 2nd day of May, A. D. 1865.)

- 1. Who are empowered to sell.
- 2. Proceeds of sale to be held in trust.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Gideon Langille, John Eisenhaur, and John Andrews, Trustees of the Baptist parsonage lot and house at Northwest Lunenburg, are hereby empowered to sell, at public auction or private sale, as they may deem fit, the parsonage house and lot aforesaid, and apply the proceeds thereof to the repairs of the Baptist meeting house at Northwest Lunenburg.

Who are empowered to sell.

2. The proceeds of sale of the premises above described shall be held in trust, as above set forth, and the trustees, their survivors, and the executors and administrators of such survivors, shall file with the clerk of the church an account under oath, containing debit and credit, shewing the manner of disbursing such proceeds.

Proceeds of sale to be held in trust.

CHAPTER 108.

An Act to provide for the erection and management of a Town Hall in Tatamagouche.

(Passed the 2nd day of May, A. D. 1865.)

- 1. Trustees authorized to purchase lot of land.
- 2. Inhabitants authorized to assess for support of poor.
- 3. Legal title vested in Trustees.
- 4. Trustees must render annual account.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Robert A. Logan, William Blackwood, George Lombard, Jeremiah Murphy, and James Clark, being the Trustees appointed for that purpose at the adjourned town meeting in Tatamagouche in December last, are hereby authorized to purchase a lot of land and erect thereon a building suitable for a Town Hall for the use of said Township ; provided the whole cost of such land and building do not exceed two thousand dollars.

Trustees authorized to purchase lot of land.

2. The inhabitants of the Township of Tatamagouche are hereby authorized to assess themselves for any sums necessary for the above purpose, at any regular meeting for the support of the poor, or at a special meeting to be called for that purpose, by public notice, by handbills posted in the said Township, at least ten days previously ; such sum to be assessed, collected, and paid in the same manner as sums for the support of the poor.

Inhabitants authorized to assess for support of poor.

Legal title vested in trustees.

3. The Trustees before named, and their successors in office, shall, for the time being, be considered the legal possessors of the said lot of land, and of the said Town Hall, and may maintain or defend actions in respect thereof; and shall have power, when authorized by a vote of a meeting of said Township, to mortgage the same, if it shall be necessary, for the erection or repairing of the said Town Hall.

Trustees must render annual account.

4. The Trustees shall annually render an account of their proceedings to the town meeting in November, in each and every year, and shall be subject to the control and direction of the said Township in all matters connected with the management of the said Town Hall, and shall also be subject to change or removal by the township, at any such meeting.

CHAPTER 109.

An Act to provide for improving the road between Guysborough and Cape Canso, in the County of Guysborough.

(Passed the 2nd day of May A. D. 1865.)

- 1. Members may borrow \$2000.
- 2. Loan—how repaid.
- 3. Commissioners—how appointed.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may borrow \$2000.

1. The members for the County of Guysborough may borrow, on the pledge of the road moneys of the county and the security of this act, a sum not exceeding two thousand dollars, for improving the road between Guysborough and Cape Canso in said county.

Loan—how repaid.

2. Such loan shall be repaid by annual instalments of one-half the amount borrowed, with interest, at a rate not exceeding six per cent., out of the road moneys for the year 1866 and 1867, until the whole sum borrowed under this act shall have been paid.

Commissioners, how appointed.

3. The moneys borrowed under this act shall be expended by commissioners appointed by the Governor and Council.

CHAPTER 110.

An Act to change the name of Ratchford River, in the County of Cumberland.

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows:

Name changed to "Port Greville."

1. The port of Ratchford River, in the Township of Parrsborough in the County of Cumberland, shall hereafter be known as and called "Port Greville."

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