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THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND.

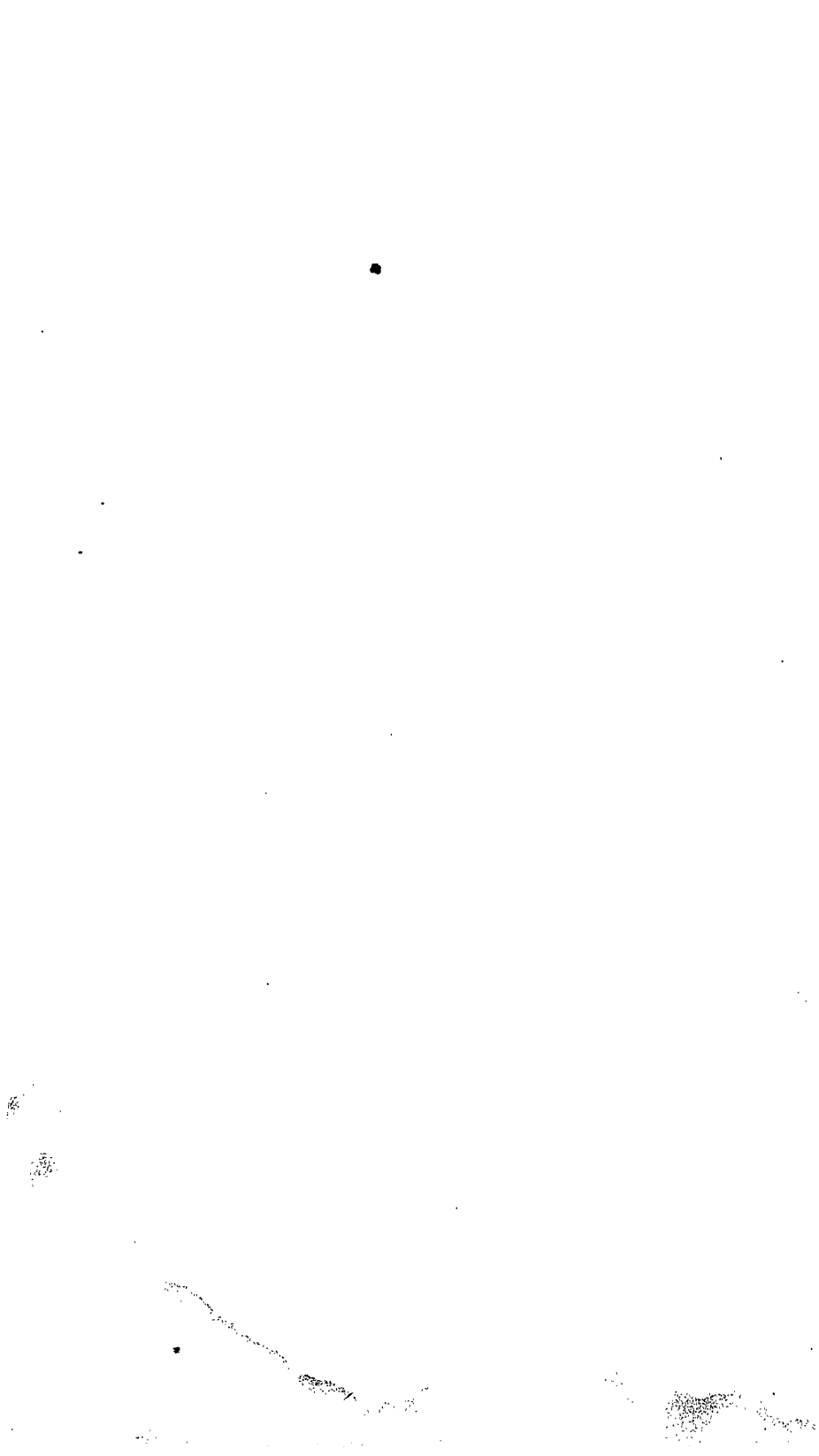
ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.



CHARLOTTETOWN:

EDWARD WHELAN, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1855.



TITLES OF THE ACTS.

FIRST SESSION

OF THE

TWENTIETH GENERAL ASSEMBLY.

1855.

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ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

1854

and

1855

At the General Assembly of Her Majesty's Island Prince Edward, begun and holden at Charlottetown the Twenty-sixth day of September, Anno Domino 1854, in the Eighteenth 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 :

D. DALY, Esq.,
Lieut Governor

CHAS. Young,
President of L.
Council.

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

E. THORNTON,
Speaker of H.
of Assembly.

C A P . I .

An Act to amend the Jury Law.

[*Passed September 30, 1854.*]

WHEREAS at the last Trinity Term of the Supreme Court in Queen's County the panel of Petit Jurors was set aside because the whole of the Jurors named therein had not been summoned as required by the provisions of the Act of the General Assembly of Prince Edward Island, passed in the sixteenth year of the reign of Her present Majesty Queen Victoria, chapter

Preamble.

the sixth, whereby the business of the country was impeded : And whereas fears are entertained, that on account of the absence from the Island, or death of parties named in the Jury panels drawn from the Jury lists at the last sittings of the Supreme Court for Prince and Queen's Counties, the whole of such parties cannot be served with a summons to attend : And whereas it is desirable and for the public good, that an Act should be passed to meet the emergency, and prevent the further delay of public business in the Courts :

Grand Jury panel for October term, 1854, or Hilary term, 1855, of Supreme Court, not to be vitiated by failure of Sheriff to summon all the Jurors named therein.

Provided 13 Grand Jurors shall have been summoned and be in attendance.

Who shall have same powers, &c as Grand Juries legally constituted, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows : If it shall appear at the next October term of the Supreme Court for Prince County, or at the next Hilary term of the Supreme Court for Queen's County, that the Sheriff of the County, (as the case may be,) shall have failed or been unable to summon all the persons named in the Grand Jury panel drawn for such term, such panel shall not on that account be set aside or vitiated, nor shall the proceedings of the Grand Jury be on that account delayed ; provided at least thirteen Grand Jurors of those named in the panel shall have been duly summoned, and shall be in attendance, who shall have power to take cognizance of, transact and proceed with all Indictments, Bills, Investigations, Trials and other business usually transacted or proceeded with by Grand Juries legally constituted and summoned, and all acts done, Indictments found, or Presentments made by them shall, notwithstanding any objection to be taken to the Grand Jury panel or otherwise, because some one or more of the Jurors named therein have not been summoned as by law required or otherwise, shall be, and the same are hereby rendered as legal and valid as if all the requisites in such respects had been fully complied with.

II. If it shall appear at the said October term for Prince County, or Hilary term for Queen's County, that the Sheriff of the County, (as the case may be,) has failed or has been unable to summon all the persons named in the panel of Petit Jurors drawn for such term, such panel shall not on that account be vitiated or set aside; provided at least forty Petit Jurors shall appear to have been duly summoned, but all Jury trials at such terms or either of them, wherein a special Jury is not required, shall be proceeded with by the Court with Juries empanelled from such Petit Jurors as actually appear to have been summoned and shall be in attendance, and whose names shall be drawn or called by the Prothonotary or Deputy Prothonotary, for that purpose, in the usual manner; and if a full or sufficient Petit Jury shall not appear, or appearing, shall be challenged or otherwise prove deficient, the Court of its own will, if it deem it necessary, or at the instance of either party to a suit, may order a *tales de circumstantibus*, returnable immediately, and all verdicts given or found by such Petit Jurors, notwithstanding any objection to be taken to the panels, or otherwise, because some one or more of the Jurors named therein have not been summoned, as by law required or otherwise, shall be, and the same are hereby rendered as legal and valid as if all the requisites in such respects had been fully complied with.

Petit Jury panels for same terms not to be vitiated by failure of Sheriff to summon all the persons named therein.

Provided 40 Petit Jurors shall have been summoned.

Trials to proceed with Juries impanelled from Jurors actually summoned, &c.

In case of deficiency in Petit Jury, &c, Court may order a *tales*, &c.

Verdicts given by such Petit Juries to be valid.

III. Nothing in this Act contained shall extend or be construed to extend to exempt any Grand or Petit Juror who may have been duly summoned from being fined for non-attendance or otherwise.

This Act not to exempt Jurors actually summoned from fines for non-attendance.

CAP. II.

An Act to authorise Free Trade with
the United States of America, under
a Treaty between Great Britain and
the United States of America.

[Passed October 7, 1854.]

Preamble.

WHEREAS it is deemed expedient to authorise Free Trade with the United States of America, under and by virtue of the provisions of a Treaty entered into between Great Britain and the United States of America, signed on the 5th day of June, one thousand eight hundred and fifty-four:—

Whenever the Lieut Governor has satisfactory evidence that certain enumerated articles will be admitted duty free into the United States,

Proclamation declaratory thereof is to be issued;

And from thence such articles, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That whenever the Lieutenant Governor, or other Administrator of the Government of this Island for the time being, shall receive satisfactory evidence that the articles hereinafter enumerated will be admitted into the United States of America by Law free of duty, the said Lieutenant Governor, or other Administrator of the Government of this Island for the time being, is hereby authorised and empowered to issue his proclamation, declaring that he has such evidence, and thereupon, from the date of such proclamation, the following articles, being the growth and produce of the United States of America,—to wit: Grain, Flour, and Breadstuffs of all kinds; Animals of all kinds; fresh, smoked, and salted Meats; Cotton Wool; Seeds and Vegetables; undried Fruits; dried Fruits; Fish of all kinds; products of fish, and of all other creatures living in the water; Poultry; Eggs; Hides, Furs, Skins or Tails, undressed; Stone or Marble, in its crude or unwrought state; Slate; Butter;

Cheese; Tallow; Lard; Horns; Manures; Ores of Metals of all kinds; Coal; Pitch; Tar; Turpentine; Ashes; Timber and Lumber of all kinds—round, hewed and sawed—unmanufactured in whole or in part; Firewood; Plants; Shrubs and Trees; Pelts; Wool; Fish Oil; Rice; Broom-Corn and Bark; Gypsum, ground or unground; hewn, or wrought, or unwrought Burr or Grindstones; Dyestuffs; Flax, Hemp, and Tow—unmanufactured; unmanufactured Tobacco; Rags;—shall be introduced into this Island free of duty, so long as the said Treaty shall remain in force; and all the other provisions of the said Treaty shall go into effect, and be observed on the part of this Island with the United States of America.

Shall be admitted into this Island free of duty, so long as the Treaty, signed at Washington on the 5th June, 1854, shall remain in force, and other provisions of such Treaty are to go into effect, &c.

CAP. III.

An Act to amend two Acts therein mentioned, relating to Land Assessment.

[Passed October 7, 1854.]

WHEREAS the Assessment imposed on Land by the Act eleventh Victoria, chapter seven, and the Act fifteenth Victoria, chapter thirteen, is made payable into the hands either of the Treasurer of this Island or the Deputy Collectors of Assessment, appointed under the provisions of the first herein before recited Act: And whereas the payment of small sums into the Treasury for Land Assessment has been found to impede the business therein:

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, it shall not be compulsory on the Treasurer of this Island, for the

Preamble.

11 Vic., cap. 7.

15 Vic, cap 13.

Treasurer not to be obliged, previous to proclamation of lands for

arrears of land assessment, to receive the amount payable for any less quantity of land than 1000 acres, or for any Town Lot, &c.

Treasurer may direct payment thereof to the Deputy Collector of Assessment for Charlottetown.

Deputy Collector of Assessment for Charlottetown to keep his books open until 3 days before proclamation;

But not to receive per centage on any quantity of land exceeding 1000 acres.

Treasurer not obliged to receive assessment imposed on buildings, &c, by 15 Vic, cap 13, sec 58.

Such assessment to be paid to Deputy Collector of the District, &c.

time being, previous to proclamation being made as directed by the Act twelfth Victoria, chapter seven, to receive into his hands the Assessment on any quantity of land in this Island less than one thousand acres, or the Assessment on any Common Lot, Town Lot, Pasture Lot, or Water Lot in the said Island, but the said Treasurer may direct all persons attending at the Treasury, for the purpose of paying Assessment on any quantity of land less than one thousand acres, or the Assessment on any Common Lot, Town Lot, Pasture Lot, or Water Lot in this Island, to make payment of such Assessment into the hands of the Deputy Collector of Assessment appointed for Charlottetown, under the provisions of the first herein recited Act; and such persons shall accordingly be bound to make such payment to the said Deputy Collector of Assessment for Charlottetown, who shall, for the purpose of receiving such Assessment from all parts of the Island, keep his Books open until three days next preceding the day of Proclamation being so made as aforesaid, but the said Deputy Collector of Assessment shall not, on any pretence whatever, exact or receive per centage for Assessment on any quantity of land exceeding one thousand acres.

II. And be it further enacted, That from and after the passing of this Act, it shall not be compulsory on the said Treasurer to receive into his hands any Assessment imposed by the fifty-eighth section of the said recited Act, fifteenth Victoria, chapter thirteen, on any buildings in the said section of the said last recited Act mentioned, but the same shall be paid into the hands of the Deputy Collector of Assessment appointed for the District in which such buildings are situate.

CAP. IV.

AN ACT to authorise and empower the Lieutenant Governor and Council to call together the Legislature of this Island during an adjournment thereof.

[*Passed October 7, 1854.*]

WHEREAS it is deemed necessary and expedient that the Lieutenant Governor, or other the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, should have power and authority to call together the Legislature of this Island during an adjournment thereof.

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, when the Legislature of this Island stands adjourned for more than ten days, it shall and may be lawful for the Lieutenant Governor of this Island, or other the Administrator of the Government for the time being, by and with the advice of the Executive Council, to issue a Proclamation declaring that the Legislature shall meet on a certain day to be therein named, not less than ten days from the time of issuing such Proclamation.

Lieut Governor empowered to call Legislature together by proclamation when same stands adjourned for more than 10 days.

II. And be it further enacted, That in the event of such Proclamation being so made as aforesaid by the Lieutenant Governor or other the Administrator of the Government for the time being, all orders which may have been made by either the Legislative Council or House of Assembly of this Island, and appointed for the original day of meeting, or any subsequent day, shall stand appointed for the day named in such Proclamation, any law, usage or custom to the contrary thereof notwithstanding.

In the event of such proclamation, &c, all orders of either branch of the Legislature, made for original day of meeting, shall stand for day named in the proclamation.

CAP. V.

An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned.

[Passed 9th March, 1855.]

Lieut Governor to appoint one person for each Township and Islands nearest thereto, and one for each Town & Royalty, &c.

To ascertain number of inhabitants, and for other purposes.

Persons questioned to be informed of penalty imposed by this Act for wilful misrepresentation.

Duty of persons so appointed.

Penalty on persons refusing to

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, in Council, to appoint one fit and proper person for each of the several Townships and Island or Islands nearest thereto, and one for each Town, Royalty, Common and Reserved Lands in this Island, to enquire into and ascertain the number of persons residing within the said District, and for other purposes hereinafter mentioned; and it shall be the duty of the persons so appointed to inform the parties questioned, that in case of wilful misinformation being given by them, they will be liable to the penalty hereinafter imposed by this Act.

II. It shall and may be lawful for the persons so appointed, and they are hereby required to visit every house within the several Townships and Islands, and within every Town, Royalty, Common and Reserved Land in this Island, for which they shall have been respectively appointed, and to require of all persons such information as may be necessary for filling up accurately the several columns in their respective returns, according to the form or schedule to this Act annexed.

III. Every person who shall refuse to answer, or shall knowingly answer falsely to any question

put by the person so appointed for the purpose of obtaining the information aforesaid, shall incur a penalty of twenty shilling for each and every offence which shall, on the complaint of the person so appointed, be recovered before any of Her Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, and in default of payment thereof when directed by the said Justice, the same shall be recovered by warrant of distress and sale of the offender's goods and chattels, and in case no goods and chattels can be found whereon to levy, then the said Justice shall commit the delinquent to the nearest Jail, there to remain for a period not exceeding ten days.

answer or giving false answers, &c.

How penalty recoverable.

IV. Each and every person to be appointed for the purposes of this Act shall visit every dwelling house within the Township or Islands, or Town, Royalty and Common, or Reserved Lands, to which he shall be appointed, and shall make return, upon oath, of his proceedings thereunder to the Lieutenant Governor in Council, on or before the fourteenth day of July next; and if any person so to be appointed shall knowingly make a false entry, or any return other than he ought to make from actual information, received at each dwelling house within the said Township or Islands, or Town, Royalty and Common, as aforesaid, he shall be liable to a penalty of ten pounds, to be recovered in Her Majesty's Supreme Court of Judicature, by bill, plaint or information.

Further duty of persons appointed under this Act.

Period within which return is to be made, &c.

Penalty on persons appointed under this Act for false entry, &c.

How same recoverable.

V. All fines and penalties arising under and by virtue of this Act shall be paid into the Treasury of this Island, to and for the use of the Government thereof.

Appropriation of penalties.

Further duties
of persons ap-
pointed under
this Act.

VI. It shall be the duty of the several officers to be appointed by virtue of this Act, and they are hereby required to insert within the column intituled "General Remarks," such matters of information as the following, that is to say: the quality of land in general in each Township; the advantages or disadvantages of each Township, with regard to road or water communication; the market or markets most resorted to by the inhabitants of each Township, for the disposal of surplus produce, and the proximity of such market or markets to each Township.

Compensation
to persons tak-
ing the census
under this Act.

VII. There shall be granted and paid out of the Treasury to each officer so to be appointed as aforesaid, for their services in taking the Census, as required by this Act, the sum of ten shillings for every one hundred persons within the Township or Island or Islands, Town, Royalty, Common and Reserved Lands, for which he has been appointed as aforesaid, and in that proportion for any less number, and the sum of twenty shillings, as travelling charges, to and throughout each and every Township and Island, and every Town, Royalty, Common and Reserved Lands as aforesaid, the several amounts as they become due to each to be paid out of the Treasury of this Island.

When and how
payable.

Schedule to which this Act refers.

Form of Return

Names of Town, Township or Royalty.	Name of the head of each Family.	Trade, Profession, or Occupation.

Under 5 years of age.	MALES.
From 5 to 16.	
From 16 to 21.	
From 21 to 45.	
From 45 to 60.	
Upwards of 60.	
Under 5 years of age.	FEMALES.
From 5 to 16.	
From 16 to 21.	
From 21 to 45.	
From 45 to 60.	
Upwards of 60.	
Number of deaf and dumb in each family. .	
Number of blind in each family.	
Total number in each family, (including servants and apprentices.)	
Number of married persons in each family.	
Number of single persons in each family.	
Number of insane in each family.	
Males in each family.	Indians
Females in each family.	
Number of persons in each family in connection with the Church of England.	
Free Church.	Presbyterians.
Kirk of Scotland.	
In connection with the Presbytery of P. E. Island.	
Number of Roman Catholics in each family.	
Number of Methodists in each family.	
Number of Baptists in each family.	
Number of Bible Christians or Briantites in each family.	
Number of Quakers in each family.	
Number of Jews in each family.	
Number of Universalists in each family.	
Number of Mormons in each family.	
Number of Unitarians in each family.	
Number of each family of any other denomination.	
Number of acres held by each family in fee simple.	

Number of acres held by each family by leasehold.		
Number of acres held by written demise.		
Number of acres held by each family by verbal agreement.		
Number of acres held by each family as occupants, being neither freeholders nor tenants.		
Number of years of term of lease expired.		
Number of years of term of lease.		
Present rent paid by each family per acre.		
Proprietor's name.	Amt. of rent paid by each family.	
Increasing rent per acre.		
Full rent, and what year it comes to full rent.		
Rent in sterling.		
Rent in currency.	Quality of land.	
If first quality.		
If second quality.		
If third quality.	Produce raised by each Family during the past year.	
Number of acres of arable land held by each family.		
Number of bushels of wheat.		
Number of bushels of barley.		
Number of bushels of oats.		
Number of bushels of buckwheat.		
Number of bushels of potatoes.		
Number of bushels of turnips.		
Number of pounds of clover seed.		
Number of tons of Hay.		
Number of Threshing Machines in each District.		
Number of Horses owned by each family.		
Number of Neat Cattle owned by each family.		
Number of Sheep owned by each family.		
Number of Hogs owned by each family.		
Number of persons in each family natives of England.		
Number of persons in each family natives of Scotland.		
Number of persons in each family natives of Ireland.		
Number of persons in each family natives of the British Provinces.		
Number of persons in each family natives of this Island.		
Number of persons in each family natives of other countries.		

Number of Churches in every such place.	
Number of Schoolhouses in each Township.	
Number of brewing and distilling establishments in every such place.	
Number of Tanneries in every such place.	
Number of Tobacco Manufactories in every such place.	
Number of Fishery Establishments in each Township.	
Number of Grist Mills in each Township.	
Number of Carding Mills in each Township.	
Number of Saw Mills in each Township.	
Number of Fulling and Dressing Mills in each Township.	
GENERAL REMARKS.	Number of Mills.

—◆—

CAP. VI.

An Act in addition to, and further amendment of, the Jury Law.

[Passed 9th March, 1855.]

WHEREAS the Act of the General Assembly of Prince Edward Island, passed in the sixteenth year of the reign of Her present Majesty Queen Victoria, chapter the sixth, requires that all the Jurors named in the Jury panels drawn for the several Terms of the Supreme Court, in the several Counties in this Island, shall be served with a summons to attend, and the panel is consequently liable to be set aside, even when such non-service arises from unavoidable causes, such as the absence from the Island, or death of parties named in the panel, whereby delays have occurred, and may hereafter occur, which it is desirable to prevent:

Preamble.

16 Vic, cap 6.

Grand Jury panel drawn for any term of Supreme Court not to be set aside, &c, because Sheriff has not summoned all the persons named therein.

Provided 20 Grand Jurors have been summoned, and 16 shall be in attendance.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: If it shall appear at any Term of the Supreme Court that the Sheriff of the County (as the case may be) shall have failed, or been unable to summon all the persons named in the Grand Jury panel, drawn for such Term, such panel shall not, on that account, be set aside or vitiated; nor shall the proceedings of the Grand Jury be on that account delayed; provided at least twenty Grand Jurors of those named in the panel shall have been duly summoned, as required by the said recited Act or this Act, and at least sixteen of the Grand Jurors so summoned shall be in attendance, who shall have power to take cognizance of, transact, and proceed with all Indictments, Bills, Investigations, Trials, and other business usually transacted or proceeded with by Grand Juries legally constituted and summoned as aforesaid; and all acts done, Indictments found or Presentments made by them, shall, notwithstanding any objection to be taken to the Grand Jury panel, or otherwise, because some one or more of the Jurors named therein have not been summoned as by Law required, shall be, and the same are hereby rendered as legal and valid as if all requisites in such respects had been fully complied with.

Petit Jury panel not to be set aside, &c, provided 40 of the persons named therein shall have been summoned.

II. And if it shall appear at any Term of the Supreme Court that the Sheriff of the County (as the case may be) has failed; or has been unable to summon all the persons named in the panel of Petit Jurors drawn for such Term, such panel shall not on that account be vitiated or set aside; provided at least forty Petit Jurors shall appear to have been duly summoned, as required by the said recited Act or this Act; but all Jury Trials wherein a special Jury is not required, shall then be proceeded with by the Court, with

Juries impanelled from such Petit Jurors as actually appear to have been summoned as aforesaid, and shall be in attendance, and whose names shall be drawn or called by the Prothonotary or Deputy Prothonotary for that purpose, in the usual manner; and if a full or sufficient Petit Jury shall not appear, or, appearing, shall be challenged or otherwise prove deficient, the Court, of its own will, if it deem it necessary, or at the instance of either party to a suit, may order a *tales de circumstantibus* returnable immediately; and all verdicts given or found by such Petit Jurors, notwithstanding any objection to be taken to the panels or otherwise, because some one or more of the Jurors named therein have not been summoned as by Law required, shall be, and the same are hereby rendered as legal and valid as if all the requisites in such respects had been fully complied with.

If a full Jury shall not appear, &c, Court may award tales, &c.

III. Service of a summons for a Juror to attend at any Term of the Supreme Court of this Island shall be made by delivering the same to the Juror summoned, or to his wife, or by leaving the same at his usual place of abode, at least six days before his attendance shall be required.

Summons for attendance of Juror may be served by delivering same to Juror or his wife, or at his place of abode, &c.

IV. Nothing in this Act contained shall extend, or be construed to extend, to exempt any Grand or Petit Juror who may have been duly summoned from being fined for non-attendance, or otherwise.

Nothing herein to exempt juror from fine for non-attendance when summoned.

V. All fines for non-attendance of Jurors shall, if not paid forthwith, be levied, together with the Sheriff's costs and expenses, by warrant of distress and sale of the goods and chattels of the party against whom the same is granted; and the Prothonotary shall, on the last day of each Term, or within three days thereafter, make out

Mode of recovery of fines, &c.

and deliver to the Sheriff a warrant against each party liable to pay any fine or fines, and the Sheriff shall proceed to execute the same, and shall pay the amount of the fines so levied into the hands of the Prothonotary, to be paid by him into Her Majesty's Treasury, as directed in and by the said recited Act.

Repeals 14th
section of 16
Vic, cap 6.

VI. The fourteenth section of the said recited Act, passed in the sixteenth year of the reign of Her present Majesty, chapter the sixth, shall be, and the same is hereby repealed.

Sheriff to insert
in juror's lists
the places of
of residence as
well as names
of persons
qualified to
serve.

VII. The High Sheriffs of the several Counties in this Island shall, after the passing of this Act, when they return to the Prothonotary or Deputy Prothonotary of their respective Counties the lists of persons qualified to serve as Grand and Petit Jurors, insert therein the place of residence as well as the names of the persons so qualified.

CAP. VII.

An Act to consolidate and amend the
Laws, now in force, relating to the
Office of Sheriff in this Island.

[*Passed 31st March, 1855.*]

Repeals 26 Geo
3, cap 15.

Also, 4S Geo 3,
cap 2.

Also, 7 Will 4,
cap 2.

Also, 14 Vic.,
cap 29.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the twenty-sixth year of the reign of King George the Third, chapter fifteen; an Act passed in the forty-eighth year of King George the Third, chapter two; an Act passed in the seventh year of the reign of William the Fourth, chapter two; and an Act passed in the fourteenth year of the reign of Her present Majesty

Queen Victoria, chapter twenty-nine, be, and the same are hereby repealed.

II. From and after the passing of this Act, the Lieutenant Governor in Council shall, once in every year, that is to say: on the third Monday in April, annually, nominate and appoint three persons, one for each County in this Island, to serve the office of Sheriff for the ensuing year, and each residing in the County for which he shall be so appointed; and the said persons, immediately after their appointment, shall take the usual oaths of office and the oath herein prescribed; and the said Sheriffs having received their respective patents, and having entered in the office of the Colonial Secretary for the said Island sufficient security, to the satisfaction of the Lieutenant Governor in Council, for the faithful performance of their respective duties, shall immediately thereupon be invested with all the powers, privileges and authorities of High Sheriffs in each of their respective Counties, and shall be subject to the duties of, and be invested with, and enjoy all the rights, powers and privileges at any time heretofore used or enjoyed by Her Majesty's Provost Marshal, under or by any law, usage or custom of this Island.

III. Any person nominated or appointed under this Act, to the office of Sheriff, after eight days notice of such his appointment, refusing to accept the same, shall be liable to a penalty of twenty pounds. And upon every such refusal, the Lieutenant Governor in Council shall immediately thereupon nominate and appoint one or more persons, as the case may be, in the place of the person or persons so refusing to accept the said office; and so new appointments shall be made until the office of Sheriff in each

Lieut Governor in Council, on 3d Monday in April, to appoint Sheriffs for the several Counties.

Persons appointed Sheriffs to take oath of office.

And give security for performance of duties, and thereafter to be invested with all the powers of Sheriffs, &c.

Persons refusing to serve as Sheriff subject to a penalty of £20.

Upon every refusal of person appointed Sheriff to serve, Lt. Governor in Council to make fresh appointment, &c.

Sheriffs to continue in office until their successors are appointed and sworn.

Member of Legislature appointed Sheriff may refuse to serve without being liable to penalty, if refusal be notified within 8 days after notice of appointment.

County be filled. And the Sheriffs for the several Counties in this Island, so as aforesaid appointed and sworn, shall continue in office in their respective Counties until others be appointed and sworn in their stead. Any Members of the Legislature, if appointed, may refuse to accept the office of Sheriff without being liable to any penalty ; provided that such Member of the Legislature shall, within eight days after receiving notice of his appointment, signify to the Lieutenant Governor his refusal to serve the said office.

Sheriff, &c, receiving money to account for same if demanded in 24 hours, or be liable to a fine of 5s in the pound for each week the same shall be detained after demand made.

IV. Any Sheriff or Under Sheriff retaining in his hands any sum or sums of money, received by virtue of any execution, writ or process, for the space of twenty-four hours after demand made by the person or persons legally entitled to the same, in the presence of one credible witness, shall forfeit to such person or persons the sum of five shillings for every pound of such money for every week that he or his Under Sheriff shall retain the same.

Sheriff, &c, required to make due return of all writs, &c, delivered to him.

V. After any writ or process, or execution, directed to any Sheriff out of any of the Supreme Courts that now are or may hereafter be established in this Island, shall have been delivered to him or his Under Sheriff, such Sheriff or Under Sheriff, taking delivery of any such writ, process or execution, is hereby required to return the same, with his doings thereon endorsed in due time, and according to the command thereof, into the Court to which such writ shall have been made returnable ; and if the said Sheriff or Under Sheriff shall neglect to make such return on any writ, process or execution, so as aforesaid delivered, the said Sheriff shall forfeit and pay the sum of twenty pounds to any person suing for the same.

Penalty for neglecting to make such return.

VI. If any Sheriff or his Under Sheriff shall, on any pretence whatever, after any writ or process shall have come into his hands, or into the hands of his Under Sheriff, settle with the person or persons against whom such writ shall have issued, or receive any suin or sums of money whatever, for or on account of such sum or sums of money as such writs may have issued for, or shall return such writs, settled or satisfied, without leave first had and obtained from the party entitled thereto, or his Attorney, then such Sheriff shall forfeit and pay to the said party so entitled thereto, for every such offence, whatever sum or sums of money the Court out of which such writs may have issued shall adjudge, besides being liable to an action for the recovery of damages, or to an attachment; the said penalties so adjudged to be recovered by the said plaintiff or defendant by attachment or other process out of the Court that shall or may inflict the same.

Sheriff, &c, liable to fine and action for damages for compromising any debt sued for, on any writ, &c, without consent of the party or his Attorney.

Mode of recovering fine, &c.

VII. If the Sheriff of any County die whilst in office, the Lieutenant Governor in Council shall immediately appoint a new one, who shall give the same securities, and be liable to the same penalties and provisions as other Sheriffs appointed under this Act; but the Deputy of the deceased Sheriff shall continue in office, and the sureties of the Sheriff so dying shall be liable for the said Deputy until such new appointment be made.

In case of death of any Sheriff, Lieut Governor in Council to appoint a new one.

Deputy of deceased Sheriff to continue in office, and his sureties to be liable for the Deputy until appointment has been made.

VIII. Before entering upon his duty every Sheriff shall take the following oath, and shall cause the same to be taken by his Deputy :—

“ 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 profits in all things which belong to

Sheriff to take oath before entering on the duties of his office, and cause his Deputy to do so also.

Form of oath.

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 this Island; and in all things will act uprightly in my office, for the honour of the Queen and the good of Her subjects. . . . So help me God."

All Sheriffs, every Trinity term next after their shrievalty to render account to the Supreme Court of all fines, &c, levied by them.

Penalty for neglect.

IX. All Sheriffs shall, on or before the third day's sitting of the Supreme Court at the Trinity Term thereof next, after the expiration of their term of office, render an account on oath in said Courts of all such fines, forfeitures, penalties or other debts or dues of the Crown, as shall be levied by them, together with the names of the persons on whom the same shall have been levied; and if any such Sheriff shall neglect or delay such service longer than the time limited as aforesaid, he shall, for each and every such neglect or delay, forfeit the sum of twenty pounds.

Clerk of the Supreme Court to state at the end of every Trinity term a general account of fines, &c.

Particularising the names of persons, sums levied and remaining unpaid &c.

Clerk to certify

X. At the end of every Trinity Term of the Supreme Court in each year, the Clerk thereof shall state a general account of all fines, forfeitures and penalties adjudged to the Crown in the said Court, or in any other Court of Record that now is or which shall or may hereafter be established in this Island, and which shall be returned or delivered to him by the Clerk or Clerks of any other Courts of Record, such general account particularizing therein the names of the persons who shall or may be adjudged to pay such fines, forfeitures or penalties, together with the sums appearing by the Sheriff's accounts, as aforesaid, to have been levied on account thereof, as also the sums that may be due from any delinquent party, and the name of such person owing the same, which said general account the said Clerk of the said Court is hereby directed to certify, under the seal thereof,

into the Treasury of this Island, and in case the said Clerk shall neglect to return such account within fourteen days after the end of every Trinity Term in each year, he shall forfeit and pay the sum of twenty pounds for every such neglect.

such general account, under seal of Court, to Treasurer.

XI. No High Sheriff shall exercise the office of Justice of the Peace whilst Sheriff; and all his acts as a Justice of the Peace during his period of office are hereby declared null and void; and for each and every instance of such his misconduct he shall forfeit and pay the sum of twenty pounds, one moiety to Her Majesty's Government of this Island, and the other moiety to any person suing for the same.

Sheriff, whilst in office, not to act as Justice of the Peace, under a penalty of £20.

Application of penalty.

XII. No person shall be obliged to serve the said office of High Sheriff for more than one year at a time, save as hereinbefore mentioned, nor to accept of the said office in less than seven years after his having served the said office as aforesaid.

No person obliged to serve as Sheriff for more than one year at a time, nor oftener than once in 7 years.

XIII. All returns of writs heretofore made, and all Acts heretofore exercised in the name of any Deputy or Under Sheriff, shall have the like force and effect as if the same had been done in the name of his Principal; but from and after the passing of this Act all returns of writs, executions of deeds, and all other matters and things whatsoever, appertaining to the office of High Sheriff for any of the Counties in this Island, shall be made, done and executed in the name, and as the act and deed of such Sheriff; and all returns of writs, and all matters and things relating to such office, which shall be made, done and executed by and in the name of any person or persons, by colour of any deputation or appointment to the office of Under

All acts, &c, heretofore done in name of Under Sheriff confirmed.

All returns of writs, execution of deeds, &c, hereafter to be made in name of Sheriff otherwise to be void.

Sheriff, shall be deemed and considered null and void to all intents and purposes; and all and every person or persons taking advantage thereof, may give this Act and the matter therein contained in any Court of law or equity in this Island.

Mode of recovering fines, &c, imposed by this Act.

Appropriation of same where not otherwise provided for.

XIV. All fines, penalties and forfeitures imposed or incurred, by or under this Act, shall, unless otherwise herein directed, be recovered by bill, plaint or information in Her Majesty's Supreme Court of Judicature, and when not appropriated by this Act, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government thereof.

CAP. VIII.

An Act to amend the Law relating to the performance of Statute Labor, and to authorise the establishment of certain additional Road Districts, and the appointment of Road Commissioners therefor.

[Passed the 31st March, 1855.]

Preamble.

14 Vic, cap 16.

WHEREAS it has been found that some of the Road Districts into which the several Counties in this Island have been divided in and by the Act of the fourteenth Victoria, chapter sixteen, are too extensive and otherwise inconveniently arranged: Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows:—

Alters schedule (A) of 14 Vic, cap 16, and Road District Nos 2, 3 and 4,

I. Instead of the several Townships comprised in Districts Numbers two, three and four of the said County of Prince County, as prescribed and set forth in the Schedule, marked (A), annexed

to the said Act of the fourteenth Victoria, chapter sixteen, being divided into three Districts, the said Townships being eleven in number, shall be erected and established into four separate Road Districts, which said Districts shall be respectively numbered two, three, four and ten, and shall comprise the several Townships following, that is to say : District number two shall comprise Townships numbers four, five and six ; District number three shall comprise Townships numbers seven, eight and nine ; District number four shall comprise Townships numbers ten, eleven and twelve ; and District number ten shall comprise Townships numbers thirteen and fourteen, and by which division and arrangement the said County of Prince County shall contain ten Road Districts instead of nine, as mentioned in the said Schedule.

in Prince County, as thereby prescribed.

Increases number of Road Districts in said County.

Contents of Road Districts.

II. The said Schedule (A) to the said recited Act of the fourteenth Victoria, chapter sixteen, shall be, and the same is hereby altered as follows, that is to say : so much of Township number fifty-three as lies south of the Cardigan River and north of the Brudenel River, is hereby separated from District number eight in King's County ; and the same, together with Georgetown and Royalty, and the common and reserved lands adjoining the said Royalty, are hereby formed and constituted into a new district ; and the said part of Township number fifty-three which lies south of the Cardigan River and north of the Brudenel River as aforesaid, together with Georgetown and Royalty, and the common and reserved Lands adjoining the said Royalty, shall be added to and included in the said Schedule (A) to the said recited Act of the fourteenth Victoria, chapter sixteen, as District number eleven in King's County.

Amends schedule (A) to 14 Vic, cap 16, by detaching part of Township 53 from District No 8 in King's County, and constituting same with Georgetown, its Common, &c., into a new district.

Lieut Governor to appoint Commissioners for said new districts,

Who are to be residents within their respective districts.

Power to fill up vacancies, &c, caused by death &c, of Commissioners.

Commissioner for District No 11, in King's County, empowered to open and cleanse sewer Kent Street, Georgetown.

Any inhabitant of Georgetown, on permission given by Commissioners. &c, may open a drain into the public sewer.

Proviso.

III. It shall and may be lawful for the Lieutenant Governor in Council to nominate and appoint Commissioners of Highways respectively for the said tenth District of Prince County and the said eleventh District of King's County established under this Act, and which said Commissioners shall be resident within the respective Districts for which they shall have been appointed; and from time to time to fill up any vacancy or vacancies occurring in the said respective offices of Commissioners of Highways for the said Districts number ten in Prince County and number eleven in King's County, as well as in the said respective offices of Commissioners of Highways for the several Districts herein mentioned, as the same are altered or constituted under this act, whether such vacancy or vacancies shall occur by the death, removal, resignation or otherwise of such respective Commissioners.

IV. The Commissioner of Highways to be appointed under this Act for District number eleven in King's County is hereby empowered and directed, from time to time, as occasion may require, to cause and procure the public Sewer in Kent street, in Georgetown, to be opened and thoroughly cleansed and repaired.

V. Any inhabitant of the said Town may, at his own expense and on permission from the said Commissioner of Highways in writing, first had and obtained, open a Drain or Drains from his dwelling House or other place or premises into the said public Sewer in Georgetown. Provided that the said drains to be so opened by the permission of the Commissioner of Highways as aforesaid, shall be opened and constructed according to the direction and under the superintendence of the said Commissioner, whose duty

it shall be to cause the same to be opened and made in a fit and proper manner, and properly covered and secured.

VI. Any person or persons opening any Drain or other passage from his or their dwelling house or houses, or other place or premises, into the said public Sewer without the permission of the said Commissioner of Highways first had and obtained, as herein before directed, or opening the same in an improper manner, or refusing or neglecting to cover and secure and construct the same, or to close up, repair or clean such Drains according to the order and directions of the said Commissioners of Highways, shall, after the expiration of twenty-four hours notice in writing from the said Commissioner, to alter, repair, clean or close up the same, forfeit and pay for every such offence the sum of twenty shillings; and for every twenty-four hours, during which any person or persons shall refuse to obey any order relating to such Drains, and contained in such notice from the said Commissioner, such person or persons shall forfeit and pay the sum of twenty shillings. And the fines and penalties imposed by this Section shall be recovered and appropriated in manner and form as directed by the thirty-second section of the said recited Act, fourteenth Victoria, chapter sixteen, for the recovery and appropriation of the fines and penalties therein mentioned, and when so recovered shall be paid to the said Commissioner of Highways for the said District number eleven, in King's County, who shall account for the same in the annual return made by him under the said last recited Act.

Person opening a drain into said sewer without permission of the Commissioner,

or opening same improperly, &c, or refusing to cover the same,

after 24 hours notice given to close up or repair same, &c, liable to be fined 20s.

Mode of recovering and appropriation of penalties

VII. The said Schedule (A) to the said hereinbefore recited Act of the fourteenth Victoria,

Schedule (A) to 14 Vic, cap

16, further altered so far as respects Districts Nos 1 and 2 in Queen's County.

chapter sixteen, is hereby altered as follows, that is to say: All that portion of the Princetown Road which leads through Lot Twenty-one, and the roads south of the Princetown Road and the said Lot, are hereby separated from District number one in Queen's County, and the same shall be added to, and form part of District number two in the said County.

Commissioner for District No 12 in Queen's County need not hereafter be resident in the District.

VIII. And whereas it would be advantageous if the Commissioner of Highways for District number twelve in Queen's County were not confined to actual residence in the said District: Be it enacted, that from and after the passing of this Act, when it shall be necessary under the Acts fourteenth Victoria, chapter sixteen, and sixteenth Victoria, chapter seven, to appoint, supersede or fill up the vacancy in the office of any Commissioner of Highways for the said District number twelve in Queen's County, it shall be lawful for the Lieutenant Governor in Council to appoint any person as Commissioner of Highways for the said District, whether such person be resident in the said District or elsewhere in this Island.

Appointments of Commissioners for certain Districts made under 14 Vic, cap 16, to relate and extend to same Districts as altered or added to &c, in this Act.

IX. The several appointments made, or to be made, by the Lieutenant Governor in Council of Commissioners of Highways for the said Districts numbers two, three and four, in Prince County, and for District number eight in King's County, and numbers one and two in Queen's County, under the above recited Act, shall relate and extend, and shall be held and construed to relate and extend to the said several and respective Districts in this section mentioned, as the same are added to, altered, or constituted and established under this Act, and to no other districts of the said Counties.

X. All the modes and forms of proceedings, and all and singular the powers and authorities, rules, regulations, provisions, directions, appointments, penalties, forfeitures, clauses, matters and things contained and set forth in the said recited act of the fourteenth Victoria, chapter sixteen, except when the same are amended or repealed by this Act or any other Act of the General Assembly of this Island, shall be in force in, and the same are hereby extended to the said several Districts hereby added to, altered or constituted and established, and to the inhabitants thereof, the Commissioners of Highways, Overseers of Statute Labor, and other officers now or hereafter to be appointed therein and therefor under this Act, and the same shall severally and respectively be duly practised, applied and put in execution in relation to the several and respective Districts as hereby altered or constituted, and in relation to the inhabitants thereof, and all or any of the officers, persons or matters aforesaid, and for the purpose of suing for and recovering all sums of money, statute labor, rates or duties, penalties and forfeitures that may become due under or by virtue of any of the provisions so extended to, and to be in force within the several and respective Road Districts hereby constituted, as fully and effectually to all intents and purposes as if the same provisions and the same powers, rules, authorities and regulations, duties, forms of proceeding and returns, statute labor regulations, rates or duties, directions, penalties, clauses, matters and things, were again particularly repeated and re-enacted in the body of this Act, with reference to the said several Road Districts hereby added to, altered or established and constituted, or with reference to the inhabitants thereof, or any other matter or thing in this Act contained.

Modes and forms of proceedings, &c, set forth in 14 Vic, cap 16 ;

to extend and be in force within the Districts constituted under this Act;

and to be put in force, &c, therein,

as much as if the same regulations, &c, were again enacted in this Act with reference to the Districts hereby constituted.

Salary to be paid to Commissioners appointed under this Act.

XI. The Lieutenant Governor in Council shall, out of the monies in the Public Treasury of this Island, cause to be paid to each of the said Commissioners for the respective Road Districts, constituted under this Act, the sum of ten pounds, and no more, annually, for his services under the provisions of this Act.

XII. This Act shall go into operation immediately after the passing thereof.

C A P . I X .

An Act to impose a Rate or Duty on the Rent Rolls of the Proprietors of certain Rented Township Lands in Prince Edward Island, in order to defray the expenses of any Armed Force which may be required on account of the withdrawal of the Troops, and for the further encouragement of Education.

[*Passed April 17, 1855.*]

Preamble.

WHEREAS Her Majesty's Forces, heretofore stationed in this Island, have been withdrawn, and it is deemed expedient that, in the event of any emergency, provision should be made for raising an Armed Force for the protection of the Colony: And whereas the Proprietors of Township Lands in the said Island have leased a large portion thereof to tenants, from whom they derive large rents, and covenants are generally contained in the Leases of such lands, that the tenants or occupiers thereof shall pay all taxes imposed, or to be imposed on the lands so leased to them, whereby the said proprietors evade the payment of said taxes, and the principal part

thereof is paid by the tenantry : And whereas such lands have greatly increased in value from the industry of the tenants, and from the prosperity and progressive state of the Colony, independently of any outlay made by the proprietors of such lands : It is therefore deemed just and equitable that the said proprietors should contribute towards defraying the expenses of any Armed Force, for the protection of the Colony, and also for the further encouragement of Education :

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows : From and after the time when this Act shall go into operation, and during the continuance thereof, the proprietor or owner, or the agent, factor, trustee, or receiver of any proprietor or owner of more than five hundred acres of leased or rented lands, situate on any Township in this Island, shall yearly, and every year, and at the time and in manner hereinafter directed, pay into the hands of the Treasurer of this Island, for the time being, or into the hands of any of his Deputies, appointed as hereinafter mentioned, the sum of one shilling of the lawful current money of the said Island for every twenty shillings of the like lawful money which such proprietors or owners, or the agent, factor, trustee or receiver of any such proprietors or owners is now or hereafter may be entitled to receive, as the annual rent of such lands ; and upon every fractional part of twenty shillings which any proprietor, owner or agent, factor, trustee or receiver may be entitled to receive as such rent as aforesaid, the like proportion of duty at the rate before directed shall be charged and paid : Provided that no rate or duty shall be charged of a lower denomination than one penny.

Imposes a tax of 5 per cent on the Rent Roll of the proprietors, &c, of more than 500 acres of leased or rented lands.

Payable annually to the Treasurer or his Deputies, &c.

First annual payment to become due, &c., on 1st June, 1856, and subsequent payments on same day in each year.

Treasurer to call for same by advertisements, &c.

Treasurer to appoint Deputies in each County, &c.;

and define and publish their districts, &c.

Treasurer responsible for the conduct, &c., of his Deputies.

Deputies to open books and give receipts for amount of rate paid, &c.

Books to be kept open until 5th December, and to be then forwarded, with monies received &c., to Treasurer

Remuneration to Deputies.

II. The first annual payment of the rate or duty hereby imposed shall become due and be payable, and made on the first day of June, in the year of our Lord one thousand eight hundred and fifty-six, and on the same day in every succeeding year during the continuance of this Act; and the said Treasurer shall call for the said rate or duty by advertisement in the *Royal Gazette*, inserted for at least six weeks previous to the said first day of June in each year.

III. The said Treasurer shall, by writing under his hand and seal, nominate and appoint such and so many Deputies for each County in this Island as to the said Treasurer shall seem meet, and which Deputies shall be appointed for certain districts or sections of the several Counties in this Island respectively, to be defined and published by the said Treasurer, who shall be responsible for the faithful discharge of their duties; and such Deputies, when so appointed, shall, and they are hereby authorised and empowered, to open books of account for the receipt of the rate or duty hereby imposed upon all persons chargeable with the same, and to give receipts for the said rate or duty, and to take and receive the statement or return, and administer the oath in the fourth section of this Act directed to be taken by persons chargeable with the said rate or duty; and such Deputies shall keep open their books until the fifth day of December in each year, and shall immediately thereafter forward all sums of money received by them under this Act, together with their books or true copies thereof; and the return or statement hereinafter required to be made by such Deputies to the said Treasurer; and each and every such Deputy shall be allowed the sum of five pounds *per centum* on all moneys collected and received by him under this Act.

IV. The proprietor or owner, or the agent, factor, trustee or receiver of any such proprietor or owner of more than five hundred acres of leased or rented Township lands in this Island, and all other persons chargeable under this Act, at the time of paying the rate or duty hereby imposed, shall fill up and deliver to the said Treasurer, or his Deputies, a true and correct statement or return in writing, signed by the person making the same, and which statement or return shall be according to the form in schedule (A) to this Act annexed, and shall contain the names of the proprietors or owners of such lands, and the names of the agent, factor, trustee or receiver of such proprietors or owners—the amount of annual rent which such proprietors or owners, or such agent, factor, trustee or receiver, is entitled to receive for the same—and where the said lands may be situate—and the amount of rate or duty chargeable on account of the rent of such lands; which statement or return shall be accompanied by a declaration on oath and signed by the party making the same, of the truth of such statement or return, which oath shall be in the form prescribed by schedule (B) to this Act annexed, and taken before the said Treasurer or his Deputies, to be appointed under this Act, who are hereby respectively required and empowered to administer the same.

Proprietors, &c, of more than 500 acres of land, &c, when paying rate, are to deliver a statement, on oath, setting forth situation of their lands—amount of annual rent receivable, &c.

according to form in schedule (A).

Declaration, on oath, accompanying statement to be in form as set forth in schedule (B).

Oath to be administered by Treasurer or his Deputies, &c.

V. Any proprietor or owner, or any agent, factor, trustee or receiver, or any person chargeable under this Act, who shall neglect or refuse to make, or shall falsely make the said statement or return, or who shall refuse to take and subscribe the oath required by this Act, or who, having made such statement or return, shall neglect or refuse to pay the said rate or duty, shall forfeit and pay for every such neglect or refusal, or false return, the sum of twenty pounds,

Penalty on proprietor, &c, neglecting or refusing to make return, or making false return, &c,

or neglecting to pay rate, &c.

and treble the amount of rate or duty at which such person ought to be rated under this Act.

Treasurer's Deputies, when they make the return as required by the 3d section, are to certify to Treasurer the quantity of acres leased, & in their districts, names of owners and amount of annual rent, &c

Such return to be deemed correct until contrary shown by party disputing same.

Treasurer, on receiving returns, in order to recover rate in arrear, is to sue for the same, with the penalty and costs, in the Supreme Court, Queen's County.

VI. Whereas difficulty may arise in determining the amount of rate or duty payable under this Act, by persons refusing to make or falsely making the return hereby required: Be it therefore enacted, That it shall be the duty of the Deputies to be appointed by the said Treasurer as hereinafter directed, when they make their return, with their books and accounts, as required by the third section of this Act, to certify to the said Treasurer the number of acres of leased or rented Township lands in their respective districts—the names of the respective proprietors or owners thereof—and the names of the agent or receiver of such proprietors or owners—the number of acres held by each proprietor or owner—the amount of annual rent which such proprietors, or the agent, or receiver of such proprietors or owners may be entitled to receive for such lands—and where situate in this Island; and for all the purposes of this Act such return shall be held correct until the contrary be proved; and the *onus* of disproving the truth of such return shall be on the person or persons complaining to be injured thereby.

VII. The said Treasurer, on receiving such returns from his Deputies, shall, in order to recover the rate or duty, or any part or portion thereof, which any person or persons chargeable under this Act shall have neglected or refused to pay, contrary to the provisions of this Act, shall compute thereby the amount of rate or duty payable or in arrear by any such persons under this Act; and having so ascertained the amount of such rate or duty, the said Treasurer shall sue for and recover the same, with costs, together with the said penalty of twenty pounds, in the

Supreme Court in Queen's County, from any person or persons chargeable under this Act with the said rate or duty, and the said penalty of twenty pounds, and who is or are in arrear for the same ; and for that purpose shall, from time to time, as the same may be required, cause to be issued out of the said Court, at the suit of such Treasurer, against each and every such person or persons so chargeable or in arrear as aforesaid, a Writ of Summons, returnable at any sitting of the Supreme Court in Queen's County, subsequent to the issuing thereof, a copy of which shall be published in the *Royal Gazette* newspaper of this Island for eight successive weeks ; and in which summons it shall be stated that the defendants are sued, under the seventh section of this Act, for the said rate or duty, and the amount thereof, and such statement shall throw upon the defendant the burthen of disproving the truth thereof ; and if the defendant, at the return of the said writ of summons, shall not appear, or, appearing, shall fail in proving that he is not liable for any part of the amount charged against him in such summons, the Court shall, without further proof than of the publication of the summons as herein directed, proceed to give judgment for double the amount of rate or duty which it shall in such case find to be chargeable under this Act, together with the said penalty of twenty pounds, and costs of the said action ; and the amount of said judgment shall be levied and recovered as follows, that is to say : if the defendant named in such summons be the proprietor or owner of the lands in respect of the rent of which such proprietor or owner is chargeable with the said rate or duty, and for which such person is sued under this Act, then execution shall issue against the lands, wheresoever situate in this Island, of such proprietor, or against the goods and chattels of such proprietor

Mode of proceeding for recovery of same, &c.

Statement in Summons.

Burthen of disproving statement of liability contained in summons thrown upon defendant, and if defendant do not appear or disprove such statement, &c, Court to give judgment against him, &c, for double amount of rate, with penalty and costs.

Mode in which amount of judgment is to be levied, &c.

or owner, for the full amount of the said judgment; but if the said defendant be only the agent or receiver of such proprietor, or owner, or person beneficially entitled to such rent, then execution shall issue either against his lands, goods and chattels, to the amount of twenty pounds, being the penalty imposed upon him, and against the lands or goods and chattels of the proprietor or owner for whom he is agent or receiver, for the residue of the amount of said judgment.

Sheriff under execution to levy on lands, &c, and sell same, &c.

Three months notice of sale to be given.

Appropriation of proceeds of sale.

Sheriff to give deed, &c, to purchaser, &c.

Effect of such deed in vesting estate, &c, in purchaser.

VIII. In any case where execution, directed to the Sheriff of any County in this Island as aforesaid, shall issue out of the said Supreme Court, such Sheriff shall levy on such lands, tenements, hereditaments and real estate, and shall make public sale thereof, at the Court House, in the County where such lands may be situate, after having first given three calendar months' notice thereof in the *Royal Gazette* Newspaper of this Island, and out of the proceeds of such sale he shall pay into the hands of the Treasurer of this Island the amount of the said judgment and costs; and after retaining and deducting an amount sufficient to defray the fees of such Sheriff, and the expense of such advertisement and sale as aforesaid, and all other incidental expenses, shall pay the balance to the proprietor or owner of such lands, or to the agent or receiver of such proprietor or owner; and the Sheriff is hereby empowered and directed to make and execute a deed to the purchaser or purchasers of such lands and real estate; which deed, when so executed and registered, shall vest in such purchaser or purchasers a good and sufficient title, seizin and estate in fee simple of, and in the premises therein described, without entry or possession given, against all the former owners or holders thereof, subject only to the conditions of the

original grant thereof from the Crown. Provided always, that in the event of any such sale of lands, tenements, hereditaments or real estate as aforesaid, an equity of redemption shall nevertheless be open to the former owner or owners, proprietor or proprietors, his or their agents, heirs or assigns, for the space of two years next after the day on which the same shall have been sold, he, she or they re-paying the purchase money, with lawful interest thereon, and also all reasonable expenses attending the same, and a fair allowance for such improvements as shall or may be made thereon — the same, in case of a dispute, to be ascertained by the Supreme Court. Provided, that in all cases of sale of lands under the provisions of this Act, the fee simple or freehold interest only shall be sold subject to any lease thereof, previously *bona fide* made to any person or persons; and if the premises so sold, or any part thereof shall have been leased to any tenant or tenants before the extending execution thereon, whose lease or leases or tenancy shall not have expired at the time of the sale, that then it shall and may be lawful for the Sheriff or his Deputy, and he is hereby required, to notify such tenant or tenants that they must attorn and become tenants to such purchaser or purchasers; and in so doing he or they shall be entitled to the full benefit of the term of their or his tenancy or lease, as the case may be.

Equity of redemption to former owner of lands sold for two years after sale, &c.

on repayment of purchase money, &c.

Fee simple only of lands taken in execution to be sold subject to leases thereof previously existing.

Tenants to attorn to purchaser;

And to be entitled to benefit of lease.

IX. In order to enable the Deputies appointed by the said Treasurer, under this Act, to obtain the information necessary to make the return required by this Act, the tenants or occupiers of all lands in this Island shall, when required by the said Treasurer or his said Deputies, truly make known and declare the names

Tenants of lands in this Island are to make known, when required by Treasurer, &c, names of their proprietors, amount of rent payable;

of the proprietors or owners of any tract or piece of land held or leased by such tenants or occupiers, and the names of the agent or receiver of such proprietors or owners, the amount of rent which such proprietors or owners are entitled to receive for the same, and such tenants shall also, when required, produce or shew forth to the said Treasurer or his Deputies, hereby appointed, any lease, agreement or other writing relating to any lands in their occupation; and shall answer all such questions, and give such other information as may be necessary and proper to enable the said Treasurer or his said Deputies to make the return required by this Act; and all persons refusing to give, or falsely giving such information, shall forfeit for every such offence the sum of forty shillings, to be recovered on the oath of such Deputy or any other credible witness before any Justice of the Peace; and on default of payment, such penalty shall be levied on the goods and chattels of the party delinquent; and if no such goods and chattels can be found, such person shall be committed to the Jail of the County for a period not exceeding thirty days, and not less than ten days; and the penalty of forty shillings imposed upon parties refusing to give evidence as required by this section, when recovered, shall be paid, one-half to the Deputy or person suing for the same, and the other half into the Treasury of this Island for the use of the Government.

And give all necessary information.

Penalty for refusal, and mode of recovering the same.

Appropriation of penalty.

Agent of proprietor chargeable under this Act authorised to retain sufficient amount out of monies received by him to pay rate.

X. It shall and may be lawful for the agent, factor, trustee or receiver of any person or persons chargeable under this Act, out of any money or other value which such agent, factor, trustee or receiver shall receive as rent, to retain so much and such part thereof as shall be sufficient to pay the rate or duty hereby imposed;

and every such agent, factor, trustee or receiver is, and shall at all times be hereby indemnified against every person whomsoever for all payments which he shall make in pursuance of, and in conformity with this Act.

XI. No tenant or lessee, or any person paying rent to any proprietor or owner, or other person chargeable under this Act, shall either directly or indirectly be subject to the said rate or duty, or liable to pay the same; and no contract, covenant or agreement between landlord and tenant, or any other person or persons, touching the payment of the said rate or duty hereby imposed, shall be valid or binding, contrary to the intent and meaning of this Act.

No tenant, directly or indirectly, to be chargeable with rate imposed by this Act.

Any agreement &c, making tenant liable, to be void.

XII. Any person being an infant or married woman, or lunatic, idiot or insane, or the agent, factor, trustee or receiver, guardian or committee of any such person, entitled to rent arising from more than five hundred acres of leased or rented Township lands in this Island, as aforesaid, shall be chargeable with, and liable to, the rate or duty hereby imposed; and shall, on neglect or refusal to comply with the provisions of this Act, be liable to pay the said rate or duty increased to double the amount as hereinbefore mentioned, and to any fine or penalty imposed on persons refusing or neglecting to comply with the provisions of this Act.

Infants, married women, &c, chargeable under this Act.

And liable to penalties as in other cases.

XIII. In the event of the rent of lands, and for which rent any person is, or shall be chargeable under this Act, being reserved and payable every two or three years, or for any other term longer than one year, the average rent of such lands for one year shall be considered the annual rent thereof, for the purposes of this Act; and

Mode of computing rate per annum in cases where rent is only payable every two or three years, &c.

when any rent is, or shall be payable in grain, produce, or other matter, instead of money, the rate or duty hereby imposed shall be computed, charged and exacted on the amount which such grain or produce, or other matter, would realize if sold and converted into money.

Monies arising under this Act to be appropriated towards raising Armed Force when required for the protection of the Island. Until such Force shall be required monies to be applied to Educational purposes.

XIV. The monies that may be levied under and by virtue of this Act shall be appropriated by the Lieutenant Governor and Council towards the raising of any Armed Force which may at any time be required for the protection and well-being of the Colony; but the said monies shall, until such Force be called for and necessary, be applied towards the further encouragement of Education.

Continuance of Act.

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

Suspending clause.

XVI. This Act shall not go into operation, nor be of any force or effect until Her Majesty's assent thereto shall be known; and notification thereof published in the *Royal Gazette* Newspaper of this Island.

Schedules to which this Act refers.

SCHEDULE (A.)

Schedule (A)

<p>Name of persons making the return, and in what capacity he makes the same, whether as Owner, Trustee, Agent, Factor, Receiver, Guardian, or Committee, and to and for whom such person may be Agent, Factor, Trustee, Receiver, Guardian, or Committee.</p>	<p>Amount of annual Rent which persons making Return is entitled to receive as Owner or Proprietor of more than five hundred acres of Township Lands in this Island, or as the Agent, Factor, Trustee or Receiver, Guardian or Committee of such Proprietor or Owner.</p>	<p>Number of acres of Land in respect of which any person making Return is entitled to receive Rent, and on what Township situate in this Island, and the name of the Owner or Proprietor thereof.</p>	<p>Amount of rate or duty which person making Return is chargeable with under this Act, or which any Agent or Factor, Trustee, Receiver, Guardian or Committee, making Return, is required to pay under this Act.</p>
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Schedule (B).

SCHEDULE (B.)

I, A. B., do solemnly swear that the Return or Statement now given in and signed by me, is correct and true in every respect and particular, as I verily believe.

So help me God,

A. B.



CAP. X.

An Act to Incorporate sundry persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island.

[*Passed 17th April, 1855.*]

Preamble.

WHEREAS the establishment of a Public Bank at Charlottetown will be greatly advantageous to Trade and Commerce, and otherwise advance the interests of Prince Edward Island, by increasing the circulating medium of business, and promoting a more extensive and beneficial employment of the resources and industry of all classes of its Inhabitants: and whereas several persons have now associated themselves for the purpose of forming such an Institution, and have applied for an Act of Incorporation for the same:

James Duncan and others, their successors &c, united into a Company and Body Corporate.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: James Duncan, James Peake, Henry Haszard, John Longworth, John Thomas Thomas, Richard Hartz, Joseph McDonald, Patrick Walker, Daniel Davies, William B. Dean, Donald MacIsaac, George Beer the younger, Charles Palmer, Theophilus Desbrisay, Ralph Brecken, John C. MacDonald, Wellington Nelson, John Gainsford, Christopher B. Smith, John Kenny, Pierce Gaul, Charles Stewart, John A. Mac-

Donald, Henry Stamper, John MacGill, Dennis Reddin, Charles Welsh and John Rigg, their Associates, Successors, or Assigns, be, and the same are hereby declared to be, a Body Corporate, by the name of "The President, Directors and Company of the Bank of Prince Edward Island," and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal or mixed, and also to give, grant, let or assign the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit of the said Corporation; and also, that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law and Equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person, or persons are in law capable of suing and being sued, pleading and being impleaded, answering and of being answered unto, and also that they shall have one common seal, to serve for the ensembling all and singular their Grants, Deeds, Conveyances, Contracts, Bonds, Articles of Agreement, Assignments, Powers and Warrants of Attorney, and all and singular their affairs and things, touching and concerning the said corporation, and also that they, the said President, Directors and Company, or the major part of them, shall, from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the

By the name of
 "The President, Directors and Company of the Bank of Prince Edward Island,"
 with power to purchase and convey lands, &c, sue and be sued, make bye-laws, &c.

said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the Laws or Statutes of this Island.

Capital Stock of Company to be £30,000.

One half to be paid in Specie within one year,

And the remaining half within two years after passing of this Act, Shares to be £10 each. Corporation may hold real estate to the value of £3000.

Mortgages given to corporation as collateral securities, &c, not to be deemed part of such estate.

But corporation not to lend money upon mortgage, &c.

II. The Capital Stock of the said corporation shall consist of current gold and silver coins of this Island, to the amount of thirty thousand pounds, the sum of fifteen thousand pounds, one-half part thereof, to be paid in current gold and silver coins of this Island within one year from the passing of this Act, and a further sum of fifteen thousand pounds within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of ten pounds each, making in the whole three thousand shares. The said corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple any lands, tenements, real estate and rents, to any amount not exceeding three thousand pounds. Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money, advanced by or debts due to the corporation. Provided further, that the said corporation shall on no account lend money upon mortgage or upon lands or other fixed property, nor shall such be purchased by the said corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said corporation in the course of its dealings.

When 600 shares of Capital

III. Whenever six hundred shares of the said Capital Stock shall have been subscribed, a

general meeting of the members and stockholders of the said corporation, or the major part of them, shall take place by notice in the *Royal Gazette* newspaper fourteen days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said corporation as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing seven directors, being stockholders and members of the said corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which directors so chosen shall serve until the first annual meeting for choice of directors; and shall have full power and authority to manage the affairs of the said corporation; and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided, at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the amount of payments to be made in each share, also the mode of transferring and disposing of the Stock and profits thereof, which, being entered in the books of the said corporation, and approved of by the Lieutenant Governor and Council, shall be binding on the said stockholders, their successors and assigns.

IV. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Tuesday in March, in each and every year, at Charlottetown, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said corporation, seven directors, who shall continue in office for one

tal Stock shall have been subscribed, members, &c, of company to meet by notice in Gazette, &c, to make bye-laws, &c, for management of the affairs of corporation;

and to choose 7 Directors.

Authority of such Directors.

At such general meeting members, &c are to determine amount of payments to be made on each share. Mode of transferring shares, &c.

Annual general meeting of Stockholders on first Tuesday in March at Charlottetown,

when choice is to be made of 7

Directors to continue in office for one year.

year, or until others are chosen in their room ; in the choice of which directors the stockholders and members of the said corporation shall vote according to the rules hereinafter mentioned ; and the directors when chosen, shall, at their first meeting after their election, choose out of their number a President.

Directors to choose a President.

Directors to appoint Clerk, officers and servants,

V. The Directors for the time being shall have power to appoint such officers, clerks and servants, as they or the major part of them shall think necessary, for executing the business of the said corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper ; all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the corporation ; and the said directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said corporation, as shall be prescribed by the bye laws and regulations of the same.

And to settle amount of their salaries, &c, which, with other expenses, are to be defrayed out of the funds of the corporation.

Further powers of Directors.

Number of Directors required to constitute a Board for the transaction of business.

VI. Not less than four directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the directors present may choose one of their Board as Chairman in his stead. The President shall vote at the Board as a director ; and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote. Provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

President to vote at Board and to have a casting vote when numbers are equally divided.

Proviso.

Compensation to President

VII. The President and Directors shall be entitled to such compensation for their respec-

tive services as the stockholders and members shall deem reasonable and proper.

and Directors
how ascer-
tained.

VIII. No person shall be eligible as a director, unless such person is a stockholder, and holding not less than twenty-five shares of the capital stock of the said corporation. Provided always, that the stockholder so otherwise qualified be not a director in any other Banking company in this Island.

Who eligible to
be Directors;

IX. Every Cashier and Clerk of the said corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties to be approved of by the directors, in such sums as the directors shall deem adequate to the trusts respectively reposed in them.

Security to be
given by Cash-
ier and Clerks.

X. The number of votes which each stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share and not more than two shares, one vote; for every two shares above two shares, and not exceeding twelve, one vote, making six votes for twelve shares; for every three shares above twelve and not exceeding thirty, one vote, making twelve votes for thirty shares; and for every five shares above thirty shares, one vote; provided the number of fifteen votes shall be the greatest that any stockholder shall be entitled to.

Number of
votes allowed
to each Stock-
holder.

XI. All stockholders resident within this Island or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder be entitled to hold more than three proxies.

Vote by proxy
when and how
allowed.

No Stockholder
to hold more
than 3 proxies.

No member to be entitled to hold more than 40 shares during first three months after passing of this Act.

If the whole capital shall not have been then subscribed at expiration of such period any Stockholder may then hold 80 shares. No Stockholder to hold more than 100 shares unless acquired by purchase after Bank goes into operation.

No Stockholder to hold at one time more than one fifth of the capital stock.

Vacancies in Board of Directors how filled up.

Thirty days notice to be given by Directors for payment of instalments on shares.

XII. No member of the said corporation, during the first three months to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said three months, so to be accounted as aforesaid, that then and in such cases it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares. Provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said bank shall have commenced its operations; and provided also, that no stockholder in the said bank at any one time shall hold more than twenty *per centum* of the capital stock.

XIII. The directors are, and they are hereby authorized, to fill up any vacancy that shall be occasioned in the Board, by the death, resignation, or absence from the Island for three months of any of its members; but that in the case of the removal of a director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, and the person so chosen by the directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

XIV. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the directors in the *Royal Gazette* newspaper published in this Island, of the time and place of payment; and the directors shall commence with the busi-

ness and operations of the Bank of the said corporation. Provided always, that no bank bill or bank note shall be issued or put in circulation, nor any bill or note be discounted at the said bank, until the said sum of fifteen thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

No bank note to be issued or discounts made until £15,000^s paid in.

XV. As soon as the sum of fifteen thousand pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Island, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorised, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors that half the amount of the Capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose; and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said Bank.

When £15,000 in specie shall have been paid in, notice thereof is to be given to Colonial Secretary for information of Lieutenant Governor, &c.

Who is to appoint 3 Commissioners to count the money and ascertain whether one half of the capital has bona fide been paid in and is intended to remain in the vaults as part of the capital stock, &c.

XVI. The shares or capital stock shall be assignable or transferrable, according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or efficient unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that pur-

Shares to be assignable.

Transfer of shares to be registered in a book to be kept by the Directors.

Person making transfer to discharge all debts due from him to corporation.

Stockholder transferring all his stock to cease to be member of corporation.

pose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable, to the said corporation; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferrable; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said corporation.

Company only to deal in Bills of Exchange, Gold, Silver, Bullion, &c, or in sale of goods or stock pledged, &c, and not redeemed in time.

Goods and stock pledged to be sold by public auction &c.

Appropriation of proceeds of sale.

XVII. The said company shall not directly or indirectly deal in any thing excepting Bills of Exchange, Gold or Silver bullion, or in the sale of Goods really and truly pledged for money lent and not redeemed in due time, or in the sale of Stock pledged for money lent and not redeemed in due time, or in the sale of Stock pledged for money lent and not so redeemed, which said Goods and Stock so pledged shall be sold by the said 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, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Liability of Stockholders.

No Stockholder to be liable to pay more than twice the amount of his stock.

XVIII. The holders of the Stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all Bills which may have been issued by the said corporation, and also for the payment of all debts at any time due from the said corporation in proportion to the stock they respectively hold. Provided, however, that in no case shall any one stockholder be liable to pay a sum exceeding twice the amount of stock actually then held by him.

Provided, nevertheless, that nothing previously herein contained shall be construed to exempt the joint stock of the said corporation from being also liable for and chargeable with the debts and engagements of the same.

Joint stock of Company to be also liable for debts of Company.

XIX. Every Bond, Bank Bill or Bank Note, or other instrument, by the terms or effect of which the said 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 said corporation. Provided, nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth section of this Act.

Form and effect of Bank Notes, Bills, &c, to be issued.

Proviso.

XX. The total amounts of the debts (deposits excepted), which the said corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, shall not exceed three times 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 said corporation shall also be liable for such excess.

Debts of corporation (except deposits) not to exceed three times the amount of capital stock paid in.

In case of excess Directors to be individually liable.

And also lands, &c, of Corporation.

XXI. The directors shall make half yearly dividends of all profits, rents, premiums and interest of the said corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days notice in the *Royal Gazette* newspaper published in this Island.

Half yearly dividends of profits, &c, to be made and notice thereof to be published.

Books, &c, of Corporation subject to inspection of Directors.

No other Stockholder to inspect individual accounts with the Corporation.

XXII. The books, papers, correspondence and funds of the said corporation shall, at all times, be subject to the inspection of the directors; but no stockholder not a director shall inspect the account of any individual with the said corporation.

Bills and Notes by whom to be signed, countersigned, &c.

XXIII. All the bills or notes 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 steel plates; and all bills and notes so signed and countersigned shall be binding on the said corporation, and payable in specie at the said Bank. Provided, that no notes shall be issued by the said corporation for a sum less than five shillings.

Corporation liable to pay original amount of notes altered to a larger amount, notwithstanding alteration.

XXIV. The said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said Bank, which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

No person to circulate as a Bank Note, &c, any Note of a private individual struck from any plate, &c, unless authorized by Law or Royal Charter. Penalty for such offence, and appropriation thereof.

XXV. No person shall issue or circulate as a Bank Note or currency, any bill, note or undertaking of a private individual, for the payment of money, struck from any plate of metal, or engraved or printed, unless authorised by law or Royal Charter, under the penalty of five pounds for each offence, one half of the said penalty to be paid to the prosecutor, and the residue into the Treasury of this Island for the use of Her Majesty's Government.

Bank to be kept in the City of Charlottetown or such other place as Directors may

XXVI. The said Bank shall be kept and established in the City of Charlottetown, or at such other place as the Board of Directors may think it necessary to remove the said Bank, on

account of any great emergency for the security thereof.

appoint in case of emergency.

XXVII. The directors shall, at the general meeting to be held on the first Tuesday in March in every year, lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said corporation, the amount of bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are in their opinion bad or doubtful, also the surplus or profits (if any) remaining, after deduction of losses and provisions for dividends; which statement shall be signed by the Directors and attested by the Cashier, and a duplicate statement, so signed and attested, shall be transmitted to the Colonial Secretary of this Island, for the information of the Lieutenant Governor or Administrator of the Government for the time being and the Legislature. Provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being directors, to inspect the account of any individual or individuals with the said corporation.

Directors at the general meeting on first Tuesday in March yearly, to lay before the Stockholders a statement of the affairs of the Corporation; Debts due; Notes in circulation; Gold and Silver on hand, &c.

Statement to be signed by Directors, &c, and transmitted to Colonial Secretary.

Proviso.

XXVIII. No loan shall be made by the said Bank on the pledge of its own stock.

No loan on pledge of Bank Stock.

XXIX. Any joint Committee hereafter to be appointed by the honorable the Legislative Council and House of Assembly, for the purpose of examining into the proceedings of the said corporation, shall, either during the session or prorogation of the General Assembly, have free access to all the Books and Vaults of the same.

Joint Committee of Legislative Council and House of Assembly to have free access to Books and Vaults of Corporation.

XXX. Any number of stockholders, not less than twelve, who together shall be proprietors

Twelve shareholders or more

owning 600 shares may call general meeting,

Giving 30 days previous notice thereof,

Requisites of such notice.

Directors or any 4 of them also empowered to call general meeting, &c.

of six hundred shares, shall have power at any time by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the said corporation, giving at least thirty days previous notice in the *Royal Gazette* newspaper published in this Island, and specifying in such notice the time and place of such meeting, with the objects thereof; and the directors or any four of them shall have the like power at any time, by observing the like formalities, to call a general meeting as aforesaid.

On dissolution of Corporation Directors to take measures to close concerns of Company, &c.

If any notes of Corporation shall remain unpaid Stockholders to be liable for their payment.

Such liability only to continue for 2 years after notice of dissolution.

Aggregate of debts due to Bank by Directors not to

XXXI. On any dissolution of the said corporation immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the said corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said corporation shall remain unpaid, the holders of stock in the said corporation, as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall be published in the *Royal Gazette* twelve months previous to the said corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject, however, to the proviso mentioned in the nineteenth section of this Act. Provided, however, that this liability shall continue for two years only from and after the notice of such dissolution.

XXXII. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at

any one time exceed twenty *per centum* of the capital stock.

exceed 20 per cent of capital stock.

XXXIII. The Cashier of the said Bank shall semi-annually, that is to say, on the first Tuesday in March, and the first Tuesday in September in each and every year, make a return in triplicate of the state of the said Bank, as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Colonial Secretary of the said Island, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form :

Cashier of the Bank semi-annually to make return in triplicate of the state thereof,

and transmit the same to Colonial Secretary's office.

Requisites of return.

FORM OF RETURN.

State of the _____ on the _____
 day of _____ 18 _____ 3 o'clock, P. M.

Form of notice.

DUE FROM BANK.

Bills in circulation,
 Nett profits on hand,
 Balances due to other Banks,
 Cash deposited, including all sums whatever 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 Bank.

RESOURCES OF THE BANK.

Gold, Silver and other coined metals in its Banking house,
 Real Estate,

Bills of other Banks incorporated in this Island,
 Balances due from other Banks,
 Amounts of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, except the balances due from other Banks,
 Total amount of the resources of the Bank,
 Rate and amount of the last Dividend, and when declared,
 Amount of reserved profits at the time of declaring the last dividend,
 Amount of debts due and not paid, and considered doubtful,

Return to be signed by Cashier and verified on oath &c.

Cashier (when required by Legislature) to make return of names of stockholders, &c, and amount of their holdings.

Majority of Directors to certify and make oath that Books of the Bank agree with Cashier's return, &c.

Colonial Secretary to lay Cashier's return annually before the Legislature.

which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation, before some Magistrate, qualified to administer oaths, to the truth of said returns, according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders and the amount of stock owned by each; and a majority of the directors of the said Bank shall certify and make oath or affirmation before the same Magistrate, as the said Cashier, that the Books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Colonial Secretary annually to lay before the Legislature of this Island, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous session.

Delinquent list to be made up

XXXIV. The Cashier or acting Cashier for the time being, shall, on each and every discount day, furnish a true list to the President

or Chairman of the said Bank, of all delinquent promisers, accepters, endorsers and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day, as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any director shall appear in such delinquent sheet, either as promiser, accepter, endorser or surety, it is hereby declared illegal for such director to sit at the Board, to take any part in the management of the affairs of the said Bank, during the continuance of such delinquency.

on every discount day.

Names therein to be read to the Board of Directors.

If any Director shall appear in the Delinquent Sheet he shall be incapable of taking any part in the management of the Bank so long as he continues delinquent.

XXXV. In the event of any director continuing a delinquent as aforesaid, for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat; and it shall be the duty of the President and other directors forthwith to proceed in filling up the vacancy, in the manner prescribed in the fourteenth section of this Act, as in the case of death or absence from the Island.

Director continuing a delinquent for 90 days, to cease to be a Director.

President and other Directors to appoint a new Director in place of delinquent, &c.

XXXVI. No action shall be brought or maintained upon any bank bill or bank note, which shall be issued by the said corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

No suit to be maintained on any bank note, &c, before same has been presented and payment refused.

XXXVII. All and every the shares in the Capital Stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of, and shall be personal estate, and transmissible as such accordingly.

Shares in Bank &c, to be deemed personal estate, and transmissible as such.

Shares in capital stock liable to be seized and sold like other personal property.

Mode of proceeding and of seizure and sale.

How transfer to be made.

Proviso:

XXXVIII. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution, and sold in like manner with other personal property. Provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution, when such copy is so left, and the sale shall be made within thirty days after such seizure, and on production of a bill of sale from the Sheriff the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares shall be seized and sold. Provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

Increase of capital stock allowed if hereafter found necessary.

Mode of effecting same.

XXXIX. And in case it should hereafter be found necessary at any time after the payment in, and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors, or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the

Shareholders present in person or by proxy, at a general meeting, convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares, severally of the value before mentioned. Provided that the whole of such additional stock shall not exceed thirty thousand pounds, thereby making the utmost amount of capital stock of the said Bank sixty thousand pounds, and in the whole six thousand shares.

Additional stock not to exceed £30,000, making in all £60,000 capital stock, and 6000 shares.

XL. Such additional shares shall be sold at Public Auction, in separate lots of five shares each, as follows, that is to say: Five thousand pounds, making five hundred shares, at such time as the directors shall appoint, and the residue of such increased additional capital at such times as the directors may from time to time determine, but not less than five thousand pounds to be sold at any one time.

Additional shares to be sold at public auction in lots, from time to time, as Directors appoint.

XLI. The said directors shall give at least thirty day's notice of the time of sale of any such increased stock, in the *Royal Gazette* newspaper published in Charlottetown, in which notice shall be specified the time when such additional stock, with the advance or premium thereof, will be required to be paid into the said Bank.

Directors to give 30 days notice of sale of increased stock.

Requisites of said notice.

XLII. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock, and such dividend of the said premium shall be declared and paid by the directors immediately after the payment into the Bank of the purchase money of the said additional shares, and banking operations

Premium or advance realized on sale of additional shares, how divided and disposed of.

When banking operations based on additional stock issued are to commence.

may take place upon each respective amount of such additional stock sold as aforesaid, when the directors or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of this Island, a certificate, that such amount of capital stock at any time called in has actually been paid into the said Bank, in current gold and silver coins of this Island, and not before.

Additional shares to be subject to same rules, &c, as original stock.

XLIII. The said additional shares shall be subject to all the rules, regulations and provisions to which the original stock is subject, or may hereafter be subject, by any law of this Island.

Suspension of specie payment for 90 days in any year consecutively or at intervals, &c, to cause forfeiture of privileges, &c, as if this Act had expired.

XLIV. Suspension of specie payments, on demand at the Bank of the said corporation, for ninety days within any one year, either consecutively or at intervals, or other breach of the provisions herein contained, upon which the said corporation is empowered to issue and circulate promissory notes; shall cause a forfeiture of the privileges herein contained; and the said privileges shall cease and determine upon such forfeitures, as if the period for which this Act has been passed had expired.

Continuation of Act.

XLV. This Act shall continue and be in force until the first day of May which will be in the year one of our Lord one thousand eight hundred and seventy-six.

Suspending clause.

XLVI. Nothing in this Act contained shall have any force or effect until Her Majesty's assent thereto shall be signified, and notification thereof shall have been published in the *Royal Gazette* newspaper of this Island.

CAP. XI.

An Act to secure compensation to Tenants in Prince Edward Island, and thereby to promote the improvement of the Soil.

[Passed 17th April, 1855.]

WHEREAS a great part of the lands in this Island are let to Tenants, in some instances by written leases and agrèements; and in others on merely verbal agreements, or on determinable tenures, or at will, such lands being in a wilderness and unimproved state, and without, at the commencement of such tenancy, any suitable buildings, or other improvements being made thereon by the lessor, or any allowance given or secured to the tenant or lessee, in consideration of any improvement made by clearing the forest, fencing, erecting buildings, draining, or otherwise, for the culture of the soil, in case he shall, at any time, by misfortune or otherwise, make default in payment of the rent reserved in the lease or agreement, and the landlord shall thereupon, or at the expiration of such tenant's or lessee's term, take proceedings by ejectment or otherwise howsoever to recover possession of the land, and the tenant or lessee has, on that account, cause of complaint: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

Preamble.

I. From and after the passing of this Act every tenant qualified, as hereinafter mentioned, occupying Lands and paying rent in this Island, under a lease or agreement, verbal or in writing, reserving rents, which shall have been in a wilderness state, and unimproved when the

Every tenant of land qualified, as mentioned in this Act, (where the land was unimproved at the commencement of the

tenancy), who has made improvements, shall receive compensation; therefor, previous to ejection, &c, for non-payment of rent.

possession was given, or lease or agreement thereof granted or made at the date thereof, and when permanent improvements shall have been made on the land or premises in his occupation, since the commencement of such occupation or date of the lease or agreement, shall be entitled, previous to the execution of any writ, process of ejection, or other process at law, for non-payment of rent, to receive compensation for the value of such improvements, according to the rules and regulations in this Act hereinafter provided.

Tenant, on being served with notice to quit or declaration in ejection, &c, shall serve notice of claim for compensation on landlord, with an offer of arbitration and name of an arbitrator.

II. If any such tenant or lessee shall be desirous to claim compensation under this Act, such tenant or lessee shall, on service of a notice to quit, or a declaration in ejection, or other process issued or served to recover the premises in his occupation being made on him by such landlord, or within twenty days after such service, serve on such landlord, or his agent or attorney, a notice of such claim, which notice shall be in writing, and shall state the amount demanded by such tenant or lessee; and also an offer, on the part of the tenant or lessee, to refer all the aforesaid matters to arbitration; and which notice shall also contain the name of an arbitrator, being a fit and proper person, resident in Prince Edward Island, to be appointed by such tenant or lessee for the purpose of such arbitration; and in case the claim for compensation shall not be acceded to by such landlord, or his agent, or attorney, or adjusted by agreement between the parties, such landlord shall, within twenty days after the delivery of such notice, serve upon such tenant or lessee a notice containing the name of an arbitrator, being a fit and proper person, resident in Prince Edward Island, to act in the matter of such arbitration; and the said two arbitrators

so appointed by the tenant or lessee, and the landlord, shall appoint a third arbitrator, being a fit and proper person, resident in Prince Edward Island, and the said matters in dispute shall be referred to the three arbitrators as aforesaid; and the said arbitrators, or any two of them, shall and are hereby authorized and empowered, by such means as they shall think proper, to settle the amount of compensation, if any, to which the tenant or lessee shall be entitled, under the provisions of this Act, and to make their award thereon in writing, under their hands and seals, or under the hands and seals of any two of them, and such arbitrators shall, within twenty days after the making of such award, forward to each of the parties a copy thereof, and the expenses of such arbitration shall be paid by such party or parties, or in such proportion as the said arbitrators shall direct.

The two arbitrators to appoint a third arbitrator:

Arbitrators, or any two of them, empowered to settle amount of compensation, and give award in writing, &c.

A copy of award to be forwarded to each party.

III. If any landlord, against whom any such claim of compensation as aforesaid shall be made, shall proceed further, by any process of law, against the tenant or lessee making such claim for the purpose of recovering the possession of the lands or tenements, in respect whereof such claim shall have been made, it shall be lawful for such tenant or lessee to prove, by evidence at the trial of such ejectment, or other action for the recovery of lands, that such claim has been made, on his part, in conformity with the provisions of this Act; and either that compensation has been awarded to him, which compensation has not been paid or tendered to be paid by said landlord, or that such landlord has neglected or refused to appoint an arbitrator, having been duly required to do so, according to this Act, and that therefore such claims remain, by the default of the landlord, pending and undetermined; and on proof thereof, unless

If landlord proceed with ejectment, tenant, at trial, may prove that award was made and remains unpaid, or else that no arbitrator has been appointed by the landlord, although duly notified, whereupon judgment shall be given for tenant.

the amount of the award, if any award has been made, be forthwith lodged in Court, or the claim of the tenant or lessee be otherwise settled, or appeal made against the award, as hereinafter in certain cases permitted, such tenant or lessee shall be entitled to a judgment or decree, as the case may be, in his favor, in the matter of such ejection or other action as aforesaid; but if it shall appear that the claim of the tenant or lessee for compensation remains undetermined, by reason of any default of the arbitrators appointed as aforesaid, in not having made an award, or by reason of any informality in the service of the notices, or any part of the proceedings, it shall be lawful for such Court, on the application of such tenant or lessee or landlord, and such Court is hereby required to appoint an arbitrator or valuator, being a fit and proper person, resident in Prince Edward Island, who shall have full power to determine the amount of compensation, if any, due to such tenant or lessee, and such Court shall withhold the issuing of any *habere* or writ of eviction, to which such landlord might be otherwise entitled, until the amount of compensation, if any, determined by the award of such arbitrator or valuator, shall have been paid to such tenant or lessee, or lodged in such Court, to the credit of such suit; and if any such amount shall not be so paid or lodged within a time named, such Court shall then give judgment or decree, as the case may be, in favor of the tenant or lessee.

But if, by reason of default of the arbitrators, no award has been made, or any informality in the proceedings, the Court, if required by either party, shall appoint an arbitrator to determine the amount of compensation.

Habere or writ of eviction to be withheld until amount of the award shall be paid or lodged in Court.

If not paid within a time named, judgment may be given for tenant.

Landlord or tenant may appeal to the Court when the award has not been made according to the rules of this Act.

IV. If, in any case, wherein an award shall have been made under this Act by arbitrators, any landlord, tenant or lessee shall think himself aggrieved by such arbitrators having failed to observe the rules herein provided for the regulation of their proceedings, and for determining the amount of compensation to be awarded,

or with regard to the qualifications of the tenant or lessee, to make claim for compensation, under the rules and limitations with reference thereto in this Act enacted, it shall be lawful for such landlord, tenant or lessee to appeal against such award to the Court in which any such ejectment case or other action for the recovery of land as aforesaid shall be tried; and if it shall appear to such Court that the objections so made to the proceedings of the arbitrators in the matter of any award made by them were valid against the same, it shall thereupon be lawful for such Court to cancel, alter or amend any such award; and if necessary to appoint an arbitrator or valuator to make a new award in the matter of such claim, as hereinbefore provided in the case of default in the arbitrators making award.

Court may cancel, alter or amend award, or appoint an arbitrator as if no award had been made.

V. The arbitrators who may be appointed to decide any case of dispute between landlord and tenant or lessee under this Act shall proceed in manner following: they shall first enquire whether the tenant or lessee claiming is in all respects entitled to make claims, according to the rules herein provided; and if the arbitrators find the claimant so qualified, they shall proceed to ascertain the improvements of all kinds for which the tenant or lessee is entitled to compensation, according to the terms and meaning of these provisions, whether the same be in the form of clearing and reducing the land into cultivation, of buildings, or of works to increase the productive power of the soil, by draining, or by any other productive expenditure of labor; and the expense of such improvements, and the amount of increased value created by the same; and they shall award to the tenant or lessee the full costs of all improvements so made, by which the value of the premises may be increased, or such amount

Mode of proceeding by the arbitrators in determining their award.

thereon as they shall think fair and just, according to the circumstances of the tenancy, and according to the rules herein provided, making their award in such manner as best to carry out the principles upon which the provisions of this Act are founded.

Mode of determining the value of buildings.

VI. In any estimate of the amount of compensation to be allowed for buildings under this Act, the arbitrators aforesaid shall first estimate the cost at which new buildings might be erected, of the quality and extent of those for which compensation may be claimed, and afterwards they shall estimate whether any and what deduction should be made for deterioration from age or other causes; and having deducted such amount, if any, from the sum first ascertained, the remainder shall in all cases be deemed and taken to be the amount of compensation to be awarded to the tenant or lessee for such buildings. Provided always, that in case it shall appear that any building or buildings for which compensation shall be demanded are of greater extent, or erected at a higher cost, or for purposes other than what are suitable for the premises, and from any of these causes, do not increase the value of the same, or do not produce an increased rent equal to the cost, the compensation shall be reduced in amount accordingly; and in determining the amount of compensation which shall be allowed to any claimant for the improvement of the soil, credit shall be given by the said arbitrators for all works of every description, and all expenditure of labor and capital proved to have been made, whether in clearing and reducing the land into cultivation, or in any other way which shall have produced a permanent increase of the real value of annual rent of the property unimproved, and none other; and the nature, extent, expense and present condition of

No buildings to be allowed for, which do not increase the rent for which the premises would let.

Mode of determining the value of improvements of the soil.

all such improvements having been ascertained by the evidence which shall be produced on the part of the tenant or lessee, the amount of compensation to be awarded shall be determined in the following manner, that is to say: an estimate shall be first made of the annual rent which the lands would produce, as then improved, and an estimate shall be next made of the inferior rent which the same lands would be capable of producing if such improvements had not been made; and the difference of the two sums shall be considered the amount of annual profit to the landlord, created by the tenant's or lessee's improvements on the soil; and the amount of compensation to be awarded, as due to the claimant for improvements on the soil, shall be so much principal money as the amount of annual profit represents in the shape of interest, for one year, at the rate of five pounds *per centum* per annum: for instance, if the amount of annual profit shall be two pounds ten shillings, then the amount to be awarded as compensation for improvements on the soil shall be fifty pounds, and so on in like proportion for a greater or less amount: and in determining such amount, it shall be lawful for the arbitrators to inquire into, and take into consideration the length of previous tenure or occupancy, and the rent paid, and the extent to which the tenant or lessee had been or might have been remunerated for the clearing of the land, or improvement of the soil, during his past occupancy; and it shall also be lawful for the arbitrators aforesaid to take into consideration any expenditure of manure, lime, or any other matter calculated to improve the temporary fertility of the soil, although not in the class of permanent improvements, and to award such recompense as they may think right for all such unremunerated expenditure.

Landlord may, if he can, rebut tenant's claim for compensation, and require arbitrators to make allowance after hearing his objections.

All arrears of rent, debts, &c. due to landlord to be deducted out of such compensation, and to be retained by landlord.

VII. It shall be lawful for any landlord, against whom claim for compensation shall be made by any tenant or lessee as aforesaid, to rebut such claim thereto, if in his power, and to require the arbitrators to inquire into objections made by such landlord, and to make such allowance or reduction, after hearing such objections, as to such arbitrators may seem just; and all rent and arrears of rent, debts, fines or penalties, due to the landlord by the tenant or lessee, shall, in all cases of allowance of compensation for improvements of any kind, be discharged out of the money paid, or agreed to be paid, for the purpose of such compensation.

Definition of terms used in this Act.
 "Tenant" or
 "Lessee."

VIII. In the construction of this Act the words "tenant or lessee" shall be understood to mean and include the original tenant or lessee of wilderness and unimproved lands, and also his heirs, executors, administrators and assigns, who shall be in the use or occupation of any wilderness and unimproved land, under any lease or agreement, reserving rent, whether verbal or written, in lands which, at the date of the lease or agreement, or at the commencement of his entry or occupation, were in a wilderness and unimproved state, and were then let for the purpose of agriculture, but not for the purpose of occupying or making use of the same for one or two seasons only, or for any special or temporary purpose, and shall not be let for the express purpose of building, or let by the foot, or other lineal measurement, denoting that such letting was actually *bona fide* for the purpose of building; and the word "landlord" shall be understood to mean the person or party entitled to the immediate possession or reversion of the lands or premises, on the determination of the tenancy, and the legal representative of such person or party, for the time being; and the

"Landlord."

word "improvement" shall be taken to include all buildings and repairs of buildings, fences, clearing land from the forest, and reducing it into a state of cultivation, and all works of any kind which have tended to increase the permanent value of the land and premises; and the word "serve" shall be construed to mean either personal service or services on the attorney, agent, bailiff, steward or receiver of the person or party to be served; or service, by delivery at the place of abode of such person or party, his attorney, agent, bailiff, steward or receiver.

"Improvement."

"Serve."

IX. This Act shall only apply and extend to the lands of this Island, known as Township Lands and Islands, and not to the Towns, Commons and Royalties thereof.

This Act only to apply to Township lands and Islands and not to Towns, &c.

X. This Act shall not go into operation, or be of any force or effect, until Her Majesty's pleasure therein shall be made known, and notification of Her Majesty's assent being given thereto shall have been published in the *Royal Gazette* newspaper of this Island.

Suspending clause.

CAP. XII.

An Act to establish a Normal School, and in further amendment to the Free Education Act.

[Passed April 17, 1855.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows: It shall be lawful for the Lieutenant Governor, with the advice and consent of the Executive Council, to establish a Normal School in Charlottetown for the training of male and female Teachers.

Lt. Governor, &c, to establish Normal School in Charlotte-town.

National School Building to be used for Normal School.

And to be suitably fitted up for such purpose.

Board of Education, subject to approval of Government, to regulate mode of conducting Normal School.

Not more than 50 of male Scholars in addition to Teachers, &c, desiring to be trained to attend at Normal School, unless Board of Education authorize same.

Scholars to pay same amount toward cost of fuel, &c, as in other Schools in Charlottetown.

Board of Education may order one of Female Schools to be held in Normal School building,

under supervision of Superintendent of the Normal School.

II. The Building in Charlottetown, called the National School shall be made use of, and appropriated for such Normal School, and the Lieutenant Governor, with the advice and consent of the Executive Council, is hereby authorized to cause the same to be fitted up so as to be suitable for the purposes of this Act.

III. The mode in which such Normal School shall be conducted, unless when otherwise provided for in this Act, shall be ordained by proper rules and regulations, to be made for that purpose by the Board of Education, subject to the control, alteration, supervision and approval of the Government.

IV. The number of male scholars, in addition to Teachers, or those desiring to be trained for such, who shall be entitled to attend at such Normal School, under this Act, shall, as heretofore, be limited to fifty, unless the Board of Education make an order to increase such number, which they are hereby authorized in their discretion to do, and such increased number of pupils shall be nominated by the Board of Education, and the quarterly payments towards defraying the cost of fuel and books shall be the same for each pupil as in the case of other Charlottetown Schools, and recoverable in the same manner.

V. The Board of Education, if they think fit, may cause one of the Charlottetown Female Schools to be held in the said school house, in a room to be fitted up apart from the said School for male scholars, to be held therein, and put the said Female School and the Teacher thereof under the supervision of the Superintendent of the Normal School, who shall train,

if it be thought advisable, Teachers and candidates to be Teachers therein.

VI. The Teacher of the said Normal School shall be appointed by the Lieutenant Governor, with the advice of the Executive Council, and shall by himself, and the Teachers being trained by him, teach the children in attendance there the ordinary branches of education usually taught in District Schools, and shall also train in the art of teaching such Teachers and Candidates as may attend, giving to the latter a thorough and competent knowledge of the best method of conducting a common District School, and especially teaching them the art of communicating the several branches of common school education, in a manner best suited to the capacities, ages and conditions of the pupils who may thereafter be under their care.

Teacher of Normal School to be appointed by Lt. Governor in Council.

Duties, &c, of Teacher of Normal School.

VII. The office of master of the National School in Charlottetown, as it existed before the passing of this Act, shall, so soon as the said Normal School shall have been established under this Act, be abolished.

Office of master of National School abolished so soon as Normal School shall have been established.

VIII. There shall be paid to the person to be appointed Teacher of the Normal School, in addition to the sum already granted annually to the master of the National School, one hundred and thirty pounds, making in all two hundred pounds per annum, to be paid to him quarterly, from the date of his first appointment, by Warrant under the hand and seal of the Lieutenant Governor, drawn on the Treasury of this Island, in the usual manner, on producing the certificate of the Board of Education of his being entitled to receive the same.

£200 per annum to be paid to the Teacher of the Normal School.

The same to be paid quarterly on producing Certificate of the Board of Education.

IX. The Visitor of Schools for the time being shall hereafter be *ex-officio* a member of the Board of Education.

Visitor of Schools to be *ex-officio* a member of the Board of Education.

Duty of Visitor to visit and superintend Normal School, and with other members of the Board to direct its management, &c.

X. It shall be the especial duty of the School Visitor to visit frequently and superintend the Normal School, to be established under this Act, and to direct, in conjunction with the other members of the Board of Education, the management and conduct thereof.

All persons who, in the opinion of the Board, shall *bona fide* be candidates to be Teachers, entitled to attend and receive training free of charge.

XI. All Teachers, whether male or female, *bona fide* candidates for the office of Teacher, of whose qualification the Board of Education are hereby constituted the judges, shall be entitled to attend at the Normal School, and receive instruction and training in the art of teaching, without having to pay any fees or charges therefor.

After establishment of Normal School persons applying for licenses to teach, shall, before the same are granted to them, produce certificates from Teacher of Normal School that they have attended, &c, at Normal School for at least 3 months.

Such attendance may be either before or after examination by Board of Education.

XII. After the Normal School, to be established under this Act, shall go into operation, the Board of Education shall, before granting a license to teach to any person who shall have appeared before them to be examined for the office of Teacher, require and receive from the party applying for such license a certificate, signed by the Teacher of the Normal School, to the effect that such applicant has attended, and received instruction and training at the said Normal School, for a period not less than three months, and which three months attendance at the Normal School may be given either shortly before or after the examination passed before the Board of Education.

Board of Education empowered to include certain Farms of Township Lands in same District with Charlotte-town Royalty Schools, &c. Inhabitants of such Farms according to order

XIII. The Board of Education shall have power to include the farms of Township Lands, fronting on the back Royalty road of Charlotte-town Royalty, in the same District or Districts with the Royalty District Schools, or one or other of them, according to their situations; and the inhabitants of such farms, in accordance with the terms of any such order, which may be

made by the Board of Education, shall be entitled to send their children to the school named in such order, and be liable to pay the same assessments and rates, or charges for fuel, furniture and books for such school, or for keeping up and repairing the same, as the inhabitants of the Royalty are liable.

of Board may send their children to Royalty Schools, and be liable to pay same charge, &c, for fuel, &c, as the inhabitants of the Royalty.

XIV. The Lieutenant Governor, with the advice and consent of the Executive Council, is hereby empowered from time to time, when it shall be found necessary, to dispense either wholly or in part with one of the two inspections or visitations of District Schools in this Island, which the Visitor of Schools is now by law required to make in each year.

Lt. Governor in Council empowered to dispense wholly or in part with one of the School Visitor's two annual inspections of Schools.

XV. When and so soon as the Normal School under this Act shall be established, it shall no longer be necessary for candidates for the office of Teacher to prove their capability of teaching before the Board of Education, by producing a certificate thereof, signed by the Head Master of the Central Academy, or by either of the other masters, as required by the sixth section of the said recited Act.

After establishment of Normal School, candidates for the office of Teacher need not produce the certificate of their capability signed by the masters of the Central Academy, as heretofore required.

XVI. So much of the thirty-eighth Section of the Act of the General Assembly of this Island, passed in the fifteenth year of the reign of her present Majesty, chapter thirteen, as provides that Schools taught by females shall be limited to the instruction of female scholars, and of boys under twelve years of age, shall be, and the same is hereby repealed.

So much of 15 Vic, cap 13, sec 38, as limits scholars to be taught by Female Teachers to females or boys under 12 years of age, repealed.

XVII. Every female Teacher, qualified under the said recited Act, whilst engaged in teaching, as set forth in the thirty-eighth section thereof, shall be entitled to receive from

Female Teachers entitled to receive £35 per annum instead of £30 as heretofore.

Payable half-yearly on producing certain certificates.

Board of Education, when they enlarge or diminish boundaries of School District, may change the site of the school-house therein,

and make necessary orders to carry out any change of site.

Masters or Teachers of 2d class, allowed for Charlottetown and Royalty, need not be qualified to teach Latin.

Additional Female Teachers in Charlottetown under 15 Vic, cap 13, sec 42, to receive when teaching a separate school £15 a year, instead of £30 as originally allowed.

Where a school-house has been

the Treasury of the Island the sum of thirty-five pounds per annum, instead of thirty pounds, as heretofore allowed, payable half-yearly, in the same manner and on producing the same certificates as in the case of male Teachers.

XVIII. The Board of Education, with, and subject to the control and consent of the Lieutenant Governor in Council, when in exercise of the power and authority given to them by the eighth section of the said recited Act, to alter, enlarge or diminish the size or boundaries of any School District, shall also have power and they are hereby authorized at the same time to change the site of the school-house therein, so as to meet the altered circumstances of the District, and to make all orders necessary, to cause that such change of site be observed and made.

XIX. It shall no longer be necessary for the Masters or Teachers of the highest or second class, allowed for Charlottetown and Common, and the Royalty thereof, under the thirty-third section of the Act of the seventeenth Victoria, chapter three, to be qualified to teach Latin, as in and by the said section of the said recited Act is required.

XX. The additional female Teachers, who are now or hereafter shall be appointed under the forty-second section of the Act, fifteenth Victoria, chapter thirteen, shall, when teaching in separate schools in Charlottetown, be entitled to receive the sum of forty-five pounds a year each, instead of thirty pounds a year, being the amount originally allowed to them under the said herein recited section of the said Act.

XXI. Where any school-house has been, or shall hereafter be, erected on any site or piece

of ground under the said Act of the fifteenth Victoria, chapter thirteen, with the consent of the owner, tenant or occupant of such land, and such site and school-house have also been recognized by the Board of Education as the legal site and school-house for the district wherein the same are situate, then and in such case it shall be illegal for the original owner, tenant or occupant of such land, or any person or persons under or in trust for such owner, tenant or occupant, by deed or otherwise, whether registered or unregistered, in any manner to interfere with such site or school-house thereon erected, or to prevent the free and peaceable possession and use thereof, and access thereto and thereover, by or to the trustees, masters or children, or the inhabitants of the District, or the Board of Education, or others for the purposes of education, unless such interference shall be expressly sanctioned by the terms of any deed, lease or agreement given by the owner, tenant or occupant of, or person entitled to, the land on which the house is or shall be erected, and any conveyance or deed of the site heretofore made, or hereafter to be made, shall be ineffectual to pass any estate therein, so as to enable the grantee, or releasee, or person to whom the same is conveyed, to interfere with such site, or any school-house thereon, or any of the aforesaid parties, in the free and peaceable use and occupation and possession thereof, as aforesaid.

or shall be erected on a site with the consent of the owner, &c. of the land, and same has been recognized by Board of Education as the legal site and school-house.

It shall be illegal for the original owner, &c. or any other person to interfere with the same or prevent the peaceable possession thereof, &c. by the Trustees, Master, &c. or others, for the purposes of Education, unless sanctioned by the terms of any deed, &c. of the site given by the owner or occupant, &c.

All conveyances of such sites ineffectual to enable grantee, &c. therein named to interfere with same or the school-house thereon, or parties in possession thereof, for purposes of Education.

XXII. And whereas the restriction contained in the thirty-second section of the Act, of the seventeenth Victoria, chapter three, by which the inhabitants of Charlottetown, Royalty and Common are exempt from being assessed for the purposes in the said section mentioned, has not been found to operate with advantage: Be

Preamble to section.

Repeals so much of section 22 of Act 17th Vic, cap 3, as exempts the inhabitants of Charlottetown Common and Royalty from being assessed by their Trustees for books, fuel, &c.

it therefore enacted, that so much of the said section of the said last recited Act as exempts the inhabitants of the Common and Royalty of Charlottetown from being assessed by the trustees elected under the thirty-first section of the said last herein recited Act, for the purpose of providing books, fuel or furniture for the use of schools, or to defray the cost of erecting school-houses, or of the repairs thereof, or for any other local purpose whatsoever, shall be, and the same is hereby repealed.

Trustees may assess inhabitants of Charlottetown Royalty and Common for books, fuel, &c, for erecting and repairing school-houses, &c.

Subject to regulations contained in the several Acts of Assembly for the encouragement of Education.

XXIII. That from and after the passing hereof it shall and may be lawful for the said Trustees to assess the inhabitants of the Royalty of Charlottetown and Common for the purpose of providing books, fuel or furniture for the use of the schools in the said Royalty or Common, and to defray the costs of erecting school-houses, or of the repairs thereof, in manner and subject to the powers, rules, regulations and provisions in any and all of the Acts of the General Assembly of this Island, relating to the encouragement of Education.

Preamble to section.

XXIV. Whereas among the population of Charlottetown there are certain orphans, as well as certain children of destitute parents, who are subject to be excluded from the benefits of free education, by reason of their total inability to pay the fees imposed in and by the forty-fourth section of the said recited Act of the fifteenth Victoria, chapter thirteen, and it is expedient to constitute an additional school in Charlottetown aforesaid, for the instruction of such orphans and children, free from any charge to them whatsoever: Be it therefore enacted, that it shall be lawful for the Board of Education to establish at some convenient place in Charlottetown aforesaid, an additional school for the

Authorizes Board of Education to establish School in Charlotte.

instruction of such children of either sex as aforesaid, and from time to time to appoint a competent teacher of either sex for such school, who shall be entitled to receive therefor a salary of not more than forty pounds per annum, payable out of the public Treasury of this Island in such manner, and under, and subject to, such regulations as shall be prescribed by the Board of Education.

town for orphan and destitute children, and to appoint a Teacher of either sex to the same. Salary of such Teacher payable in manner, &c, as prescribed by the Board of Education.

XXV. That the teacher of such school shall first be examined by the said Board, and if found competent shall receive a certificate to teach the primary branches of education, whether he or she shall or shall not be able to qualify as a first class Teacher, in manner required by the said Act; and it shall be lawful for the said Board of Education to cancel and revoke such certificate for such reasons and in such manner as mentioned in the tenth section of the said recited Act.

Teacher of School for orphan and destitute children to be examined by Board and receive certificate to teach primary branches of Education. Board may cancel and revoke such certificate, &c.

XXVI. That orphan children shall have preference of admission to said school, and no child shall be admitted thereto if under the age of four years, nor continued therein if above the age of ten years; nor shall any child be admitted unless recommended by a certificate in writing, to be signed by a clergyman resident in the said Town, and also by a member of the Board of Education.

Orphan children to have preference in admission to said School. No children under four or over ten years of age to be admitted, &c. Certificate of recommendation to be produced &c.

XXVII. That a sufficient amount of money to defray the fitting up a school-house, or room, the rent thereof, with books and fuel for the same, shall be paid annually out of the public Treasury of this Island, into the hands of the Secretary of the Board of Education for such purposes, who shall account for the same to the Board.

A sufficient amount to defray the rent and fitting up of a school-house and the cost of books and fuel to be annually paid to Secretary of the Board of Education who is to account for the same.

School for orphans and destitute children in other respects to be subject to regulations of Education Acts.

XXVIII. That the said school and the teacher thereof shall, in all other respects, as far as circumstances shall admit, be conformable and subject to the several enactments, rules and regulations not inconsistent with this Act, and prescribed for schools and teachers in and by the several Acts of this Island relating to free education.

Number of scholars, &c, to be regulated by the Board of Education.

XXIX. That the number of scholars to be limited for the said school, either as regards sex, or the aggregate of both sexes, as well as the superiority of claims for admission thereto, shall, from time to time, as occasion may require, be ordered and regulated by the said Board of Education.

Fees payable at Charlottetown Schools to be hereafter paid quarterly in advance.

XXX. That the fees now payable at the other Charlottetown schools, by the thirty-seventh section of the Act passed in the seventeenth year of the reign of her present Majesty, intituled "An Act in further amendment of, and in addition to, the Free Education Act," shall in future be paid at the time of the entrance of each pupil, and thereafter quarterly, in advance, any thing in the said section to the contrary thereof notwithstanding.

CAP. XIII.

A Bill to consolidate and amend the Acts now in force relating to the Public Wharf in Georgetown, and other Wharfs.

[Passed 17th April, 1855.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows, that is to say :

I. An Act passed in the seventh year of the reign of Her present Majesty Queen Victoria, intituled "an Act for the regulation of the Public Wharf at Georgetown and other Wharfs," and the Act of the sixteenth Victoria, chapter seventeen, in amendment thereof, shall be and the same are hereby repealed.

Repeals 7 Vic,
cap 15.

Also 16th Vic,
cap 17.

II. The Lieutenant Governor in Council shall appoint a fit and proper person to act as Wharfinger for the Public Wharf at Georgetown, and for all other Public Wharfs in this Island.

Lt. Governor,
&c, to appoint
wharfinger for
Georgetown &
other wharfs.

III. It shall and may be lawful for the said Wharfinger to ask, demand, take and receive, for all vessels, except Her Majesty's ships, whilst careening, loading, unloading, or lying fast to the said Wharf, the following rates *per diem*, Sundays excepted, that is to say :

Vessels lying
to pay Wharf-
age.

Vessels of ten tons, and under thirty tons, one shilling.

Rates of Wharf-
age.

Vessels of thirty tons, and under sixty tons, one shilling and sixpence.

Vessels of sixty tons, and not exceeding eighty tons, two shillings ; and the additional sum of threepence for every twenty tons in the measurement of vessels upwards of eighty tons.

Lighters per load, fourpence.

Provided that no more than one-half the several wharfage rates hereby imposed shall be chargeable on, or recoverable for or on account of any ship or vessel, while such ship or vessel lies at said wharf discharged, and without having any cargo on board ; and provided also, that no ship or vessel shall be subject to the payment of wharfage so long as the navigation shall remain closed by ice, except when undergoing repairs in the spring, as hereinafter mentioned.

Vessels being
at wharf with-
out cargo, &c.,
only liable to
half wharfage.

No wharfage to
be paid during
close of Navi-
gation, except
when undergo-
ing repairs, &c.

Vessels only made fast to wharf, &c, to be removed to make room for other vessels requiring to load, &c.

Penalty on master or owner of any vessel refusing to remove same after notice, &c.

Vessel made fast to another, or undergoing repairs, whilst navigation is closed, only liable to half wharfage.

Rates of wharfage to be paid for deals, &c, deposited on wharf, after remaining for 24 hours thereon, &c.

IV. Every ship or vessel which shall, at any time, only be fast to the aforesaid wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for and suffer any other ship or vessel to load, unload or careen thereat, and on refusal or failure so to do, after due notice and request by the said wharfinger, to the Master or Commander, or to any one of the owners of such ship or vessel, he or they shall forfeit and pay to the wharfinger a sum not exceeding five pounds, with costs, for each and every such neglect or refusal.

V. Every ship or other vessel that shall make fast to any other ship or vessel fastened to the wharf aforesaid, and shall continue so to be fastened, or shall there load, unload or careen, or shall be undergoing repairs prior to or subsequent to the opening of the navigation, shall be subject and liable to pay the one-half of the rates that such ship or vessel should and would be liable to pay by this Act, in case of being fastened to the said wharf, and there loaded, unloaded and careened.

VI. All deals, boards, scantling, lumber, bricks, stone, limestone, and all and every species of merchandize, deposited upon the said wharf, and discharged, from any boat or vessel, or placed thereon to be shipped in any boat or vessel, after the same shall continue thereon for the space of twenty-four hours, shall be subject to the following rates of wharfage, that is to say:

Deals, for every twenty-four hours, at the rate of one shilling per thousand.

Boards, for every twenty-four hours, at the rate of sixpence per thousand.

Bricks, for every twenty-four hours, at the rate of eightpence per thousand.

Limestone, for every twenty-four hours, at the rate of threepence per ton.

Scantling, per hundred running feet, twopence.

Shingles, per thousand, twopence.

All other articles, materials or matter, at the rate of threepence per ton, either by weight or cubical measurement, at the option of the Wharfinger. Provided always, that the said Wharfinger shall have power to remove from the said wharf, as directed by the fifth section of this Act, any of the foregoing articles or matter, after the same shall have continued on the said wharf a time sufficient, in the judgment of the said Wharfinger, for all reasonable purposes, provided that, in no case, such time shall exceed forty-eight hours. And all wharfage payable for such articles, material and matter, shall become due and payable, and be recovered in the same way and manner as is directed by the eighth section of this Act, relative to the recovery of wharfage.

Wharfinger, nevertheless, empowered to remove deals, &c, from wharf, after he deems they have remained a sufficient time for reasonable purposes, &c.

Mode of recovering wharfage payable under this Section.

VII. If the said wharf shall, at any time, be so encumbered with lumber, coals, bricks, or any other species of goods, or ballast, or rubbish, so as to unnecessarily incommode or obstruct the passing or repassing of any carts or carriages employed for the purpose of loading or unloading any ship or other vessel, then and in that case the Wharfinger shall personally warn, or by notice in writing, to be left at the place of the residence of the owner or owners of such lumber, coals, bricks, or other goods or matter, their agent or agents, requiring him or them to remove the same from thence, within a reasonable time; and if the same shall not be removed accordingly, the Wharfinger, by himself or his agent or agents, is and are hereby empowered to remove the same, and keep them in his custody until the whole charges attending the

Wharfinger empowered to remove incumbrances for wharfage, &c.

If owner, &c, neglect to remove incumbrances after notice, wharfinger may do so, &c.

removal be paid by the owner or claimant of such goods; and in case the owner or agent is not to be found, the Wharfinger may and shall, at his discretion, remove the said goods as hereinbefore directed.

Wharfinger to cause obstructions in the approach to the wharf to be removed, and to prevent stones, &c, being thrown into the water.

VIII. The said Wharfinger is hereby empowered to cause to be removed all obstructions which may be placed on either side of the wharf, in a line with the main street, at the expense of the person causing such obstruction; and to prevent, to the utmost of his power, the master or owner of any ship or vessel, lighter or boat, or any other person, from throwing or unloading any stones, gravel, ballast, oyster shells, rubbish, or any other thing, that will not float into the water, within the limits aforesaid; and the said Wharfinger is hereby authorised and required to prosecute any person so offending, who shall, upon due proof thereof, forfeit and pay, for every such offence, a sum not exceeding five pounds, with costs, besides being liable to an action for the damages that any vessel or cargo may sustain thereby.

Penalty on persons so offending, and mode of recovery thereof.

Wharfinger to demand wharfage daily.

IX. It shall and may be lawful to and for the said Wharfinger, or any person duly authorised, in writing, by the said Wharfinger, during the time that any ship or vessel shall continue to use the said wharf for the purposes aforesaid, daily and every day, to ask, demand and recover from the master or commander, owner or agent, of the said ship or vessel, the several rates of wharfage to which the said ship or vessel shall or may be liable. Provided that such agent or agents of such ship or vessel shall be liable to pay the same only when an account shall be delivered to, or in case of absence, left at his or their place of residence; and the money demanded of him or them, or his or their Clerk,

In what case ship's agent shall be liable to pay wharfage.

before sailing or departure of such ship or vessel from port, and upon refusal of payment, such Wharfinger is hereby directed to sue for and recover such rates of wharfage, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, which said Justice or Commissioner is hereby required, on the oath of such Wharfinger, or of one or more credible witness or witnesses, of the amount being due, to cause a *capias* to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon, and to proceed for the amount of such judgment, together with costs, as provided for in the twelfth section of this.

Mode of recovery of wharfage.

X. If any lumber, or other goods, or ballast, or rubbish, shall be laid or left upon the wharf, contrary to the directions of the Wharfinger, for the time being, the party so offending shall be liable to a fine not exceeding two pounds, with costs, over and above the charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is hereinbefore authorised to do.

Penalty on person leaving goods, &c, on wharf, contrary to orders of wharfinger, &c.

XI. The person in charge of any vessel lying at the said wharf, when directed by the Wharfinger so to do, shall cause the lower yards to be peaked, and the jib-boom and main-boom to be rigged in or taken on board the said vessel, under a penalty not exceeding twenty shillings; and if the owner, master, or person in charge of any vessel, shall allow such vessel, through neglect or otherwise, to injure the said wharf, such person shall be liable, for every such offence, to a fine not exceeding twenty shillings, over and above the amount of damage done to the said wharf; and the said amount of damage shall be recovered, at the suit of the Wharfinger, by action in any Court of competent jurisdiction.

Wharfinger may direct booms of vessels to be taken in, &c.

Penalty on person in charge of vessels refusing to comply with directions.

Mode of recovery thereof.

Wharfinger to account, &c, quarterly to commissioner of highways for the district in which wharf is situate.

Penalty for neglect or refusal, and how recoverable, &c.

Remuneration to wharfinger.

Application of remaining proceeds of wharfage, after paying Wharfinger's allowance.

Penalty on Wharfinger for neglect of duty, &c.

How penalty recoverable.

Mode of recovery of other penalties imposed by this Act.

XII. Every Wharfinger appointed under the provisions of this Act shall quarterly, in each and every year, furnish, on oath, a detailed account of, and pay over to the Commissioner of Highways for the district in which such wharf may be situate, all monies that may come into his hands, either by wharfage, or fines, or penalties, imposed by this Act, under a penalty of ten pounds for each and every such neglect and refusal, the same to be recovered by bill, plaint or information in Her Majesty's Supreme Court Judicature; and shall also be liable to be displaced from his situation as Wharfinger, one-half of which said wharfage shall be retained for his services, at the time of paying over the same as aforesaid, and the other half of said wharfage, together with the fines and penalties, shall be applied, by the said Commissioner of Highways, towards the necessary repairs of the wharf situate in the district for which such Commissioner may have been appointed; and for each and every neglect of the other duties imposed on the Wharfinger by this Act, he shall forfeit and pay a sum not exceeding five pounds, to be recovered, on the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace or Commissioners of Small Debts, and applied as hereinbefore directed.

XIII. All fines and penalties that may arise under and by virtue of this Act, in respect of the said wharf at Georgetown, or other wharfs, affected by this Act, except such fines and penalties as are hereby imposed upon the Wharfinger, shall be sued for and recovered, together with costs, upon the oath of said Wharfinger, or any other credible witness, before any one of Her Majesty's Justices of the Peace or a Commissioner of Small Debts, to be, on default of payment, levied by warrant of distress and sale of the

offender's goods and chattels; and if no goods and chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice or Commissioner of Small Debts to commit the parties so offending to the jail of the County wherein the wharf, in respect of which such fine or penalty shall have been incurred, may be situate, for a period not exceeding two calendar months.

XIV. No wharf in this Island shall be deemed a public wharf, within the meaning of this Act, unless vessels of not less than ten tons can safely lie thereat.

No wharf to be deemed a public wharf, unless vessels of not less than 10 tons can lie thereat.

XV. The appointment of Wharfingers for any public wharf in this Island shall be made in the same manner, and their salaries, excepting the salary of Wharfingers for the wharfs in Charlottetown, shall be the same as the Wharfinger appointed for the said wharf at Georgetown; and all the enactments, fines, penalties, provisions, regulations, and every clause, matter and thing in this Act contained, in respect of the said public wharf at Georgetown, shall henceforth be extended and applied, in every respect, to such public wharfs in this Island, as are last above described, save and except the wharfs in Charlottetown.

Wharfingers for any wharfs in this Island, to be appointed in same manner as Georgetown Wharfinger, and receive salaries in like manner.

Enactments of this Act to apply to all other wharfs, except wharfs in Charlottetown.

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

Continuance of Act

CAP. XIV.

An Act to prevent the running at large of Swine within the Town and Royalty of Princetown.

[*Passed April 17th, 1855.*]

Preamble.

WHEREAS it is deemed expedient to prevent the going at large of Swine within the Town and Royalty of Princetown:—

Commissioner of Highways for District including Princetown, &c. to appoint Hog Reeves for such Town, &c. annually on or before 1st April.

Duty and powers of Hog Reeves.

To seize swine found at large.

Penalty on person obstructing Hog Reeves in execution of duty.

Mode of recovery of penalty.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, as follows: The Commissioner of Highways for the District in which Princetown and Royalty are situate is hereby required and directed to appoint four fit and proper persons, on or before the first day of April, in each succeeding year, to act as Hog Reeves within the said Town and Royalty; and whose duty it shall be to seize and take up any Swine going at large as aforesaid, or on the same being shewn or pointed out to any or either of the said Hog Reeves so appointed, it shall and may be lawful for any of the said Hog Reeves to seize and take up, or cause to be seized and taken up, all Swine found at large in Princetown and Royalty, and to sell and dispose of the same at public auction; and all persons in any way or manner obstructing the said Hog Reeves in the execution of their duty, shall forfeit and pay a fine not exceeding two pounds, and not less than five shillings; such fine to be recovered on the oath of any such Hog Reeve, or of one or more credible witness or witnesses, before one or more of Her Majesty's Justices of the Peace or Commissioners of Small Debts, and to be levied, on default of payment, by warrant of distress on the goods and chattels of the offender or offenders; and if no such goods and

chattels can be found whereon to levy such fines, the said Justice or Justices, or Commissioner of Small Debts, shall commit the said person or persons liable to such fine for so obstructing such Hog Reeve as aforesaid, to the County Jail, for a period not exceeding ten days.

II. Any person so to be appointed Hog Reeve within the said Town and Royalty, and who shall refuse to, or neglect to perform the duties of his office in not taking up all Swine going at large as aforesaid within the said Town or Royalty, or in not disposing of the same in manner therein prescribed, shall forfeit and pay for every such neglect or refusal the sum of twenty shillings, to be recovered in manner last aforesaid. Provided always, that no person appointed Hog Reeve as aforesaid shall be liable to serve as such more than once in every three years.

Penalty on person appointed Hog Reeve refusing or neglecting to perform duties of his office, &c.

Mode of recovery. No person liable to serve as Hog Reeve more than once in 3 years.

III. One half the fine imposed by the first section of this Act shall be paid to the Hog Reeve or Hog Reeves suing for the same, and the residue, together with the other fines imposed by this Act, shall be paid to the Commissioner of Highways for the District, and shall by him be applied towards the opening of streets and keeping in repair the streets and roads in the said Town and Royalty.

Appropriation of fines imposed by this Act.

IV. This Act shall continue and be in force for ten years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XV.

An Act to continue and amend the Act relating to Emigrants.

[*Passed April 17th, 1855.*]

Preamble.

WHEREAS the Act of the fourteenth Victoria, chapter eleven, intituled "An Act relating to Emigrants," will shortly expire, and it is desirable to continue and amend the same :—

Repeals so much of 1st section of 14 Vic. c. 11, as defines the amount of Head Duty, &c. on Emigrants, and in lieu thereof imposes a Head Duty of 12s 6d at all seasons of the year.

Same liable to be increased in certain cases.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows : That from and after the passing of this Act so much of the first section of the hereinbefore recited Act as defines the amount of rate or head duty on Emigrants or Passengers arriving in this Island, be, and the same is hereby repealed; and instead of the several sums thereby imposed as a rate or head duty on Emigrants, the sum of twelve shillings and sixpence, and no more, save and except as the same is directed by the said section of the said Act to be increased in the event of any vessel being kept at quarantine, shall be collected, levied and paid for every Emigrant or Passenger landing in this Island, at any time after the passing of this Act.

Emigrants between 18 months and 12 years of age only liable to half duty.

II. That all Emigrants and Passengers, between the ages of eighteen months and twelve years, shall be subject only to the payment of the rate or head duty of six shillings and three-pence currency.

Continues 14 Vic. cap 11, with certain exceptions, for 10 years.

III. The said hereinbefore recited Act, and every clause, matter and thing therein contained, save and except in so far as the same is hereby repealed and amended, shall be, and the same

is hereby continued for the space of ten years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XVI.

An Act relating to the Offices of Controller of Customs and Navigation Laws for Charlottetown, and Collector of Excise and Registrar, and his Assistant, and Surveyor of Shipping.

[*Passed April 17th, 1855.*]

WHEREAS the Imperial Government has ceased to maintain Customs Establishments within this Island, and have discontinued the services of those officers who formerly discharged the duties thereof, which duties are now required to be performed by a Controller of Customs and Navigation Laws, and other officers appointed and paid by the Government of this Island; and whereas it is deemed expedient that, amongst other duties required to be performed by the Controller of Customs and Navigation Laws for Charlottetown, shall be that of registering British ships as pointed out in the Act of the Imperial Parliament of Great Britain and Ireland, made and passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter one hundred and four, intituled "An Act to consolidate and amend the Acts relating to Merchant Shipping;" and it is therefore necessary to provide for the payment of such officer, and also of an Assistant to him, who shall also act as Clerk or Assistant to the Collector of Excise and Impost Duties, and Collector of Light and all

Preamble.

Imperial Act
17th & 18th
Vic, cap 104.

other Duties pertaining to the office for Charlottetown :

Controller of Customs, &c, for Charlottetown to be *ex officio* Registrar of Shipping for Prince Edward Island.

And vested with powers, &c, given by Imperial Act 17th and 18th Vic, cap 104, to Registrars of Shipping.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows : The Controller of Customs and Navigation Laws for Charlottetown shall, from and after the passing of this Act, and so soon as the said recited Act of the Imperial Parliament of Great Britain and Ireland, seventeenth and eighteenth Victoria, chapter one hundred and four, shall go into force and operation, be *ex officio* the Registrar of Shipping for Prince Edward Island, under the rules and regulations contained in the said Imperial Act, and shall be entitled and required to exercise all the powers, and be empowered and required within this Island to perform all the duties given or required to be performed in and by such Act, by Registrars of Shipping appointed or acting thereunder.

Amount of salary to be paid to the Controller of Customs, &c, for Charlottetown.

II. There shall be allowed and paid to the Controller of Customs and Navigation Laws for Charlottetown, as and for the salary of that office, the sum of one hundred pounds per annum, and all fees of office, allowances and emoluments payable to him under this Act or otherwise, and whether as such Controller of Customs and Navigation Laws, or Registrar of Shipping, or otherwise, or into his office, shall be paid by him into the Treasury of this Island, to and for the use of the Government thereof.

Lieut Governor with advice of Council to appoint Assistant to Collector of Impost, &c, for Charlottetown.

III. It shall be lawful for the Lieutenant Governor of this Island, with the advice and consent of the Executive Council, after the passing of this Act, to nominate and appoint a fit and proper person to the office of Assistant to the Collector of Impost and Light Duty, and Controller of Customs and Navigation Laws, to

perform his several duties as prescribed in and by the several Acts of this Island, now or hereafter to be in force, or which otherwise by law he is required or authorized to do as such Collector of Impost and Controller of Customs and Navigation Laws or Registrar of British Shipping, and such Assistant shall, before entering on the duties of his office, give security in the usual manner for the faithful and proper discharge of the duties of his office, and to pay over to, and account with the Principal in such office for all monies to be by him received therein.

Duties, &c, of Assistant.

Assistant to give security for faithful performance of his duties, &c.

IV. The Collector of Impost and Excise and Controller of Customs and Navigation Laws for Charlottetown, shall hereafter be the head of the Customs and Excise Departments for Prince Edward Island; and the Collectors of Excise and Controllers of Customs and Navigation Laws for the several Out-ports in the said Island, and other officers of Excise and Customs therein, shall receive their orders and instructions from the Government through him, and shall severally, within fifteen days after the termination of each quarter, furnish to him at his office a full account and return of all business done in their respective offices as such Collectors, Controllers and Officers, up to the end of each quarter, with full and accurate particulars of all entries and payments made to them, or in their offices.

Collector of Impost, &c, for Charlottetown to be head of the Customs & Excise Departments for P.E. Island.

Collectors for the Outports, & other officers of Excise, &c, to receive instructions from him,

and to make quarterly returns to him of business done in their offices, &c.

V. The Lieutenant Governor, with the advice and consent aforesaid, shall have power to remove any such Assistant from his office, and appoint another person to fill up any vacancy accruing in such office, from such removal, or from death or resignation.

Power to Lieut. Governor, &c, to remove Assistant from office, and make new appointments when required.

Salary of Assis-
tant.

VI. There shall be allowed and paid to the Assistant to be appointed under this Act, as and for the salary of his office, the sum of one hundred pounds per annum, to be paid quarterly by Warrants drawn in the usual manner on the Treasurer of this Island.

Fees to be
taken by the
Controller of
Customs and
Navigation
Laws for Char-
lottetown, with
respect to the
Registry of
Shipping.

VII. The Controller of Customs and Navigation Laws for Charlottetown shall, with respect to the Registry of British Shipping, take and receive in his office the fees and amounts following, that is to say :—

For every Certificate of Registry, five shillings.

For every Declaration taken or made before the Registrar, one shilling.

For every search in Registrar's Office, one shilling.

For recording every Bill of Sale, Mortgage or other document in Registry Books, two shillings and three-pence.

For every Certificate not being a Certificate of Registry of a Ship, two shillings and three-pence.

Controller of
Customs, &c,
for Charlotte-
town to keep
account of fees,
&c, paid to him,
&c,

VIII. The said Controller of Customs and Navigation Laws shall keep an exact and correct account in a book of all fees, payments and emoluments whatsoever, paid or payable to him or into his office under this Act, which shall at all times be open to the inspection of the Government of this Island, or any person or persons appointed by it to inspect the same ; and he shall account for, and pay over the amount of such fees, payments and emoluments to the Treasurer of this Island quarterly, on the first days of July, October, January and April, or within ten days from such periods, respectively in each year, the amounts so paid to be applied to the use of the Government of this Island, in

and to account
for & pay over
same to Treasu-
rer quarterly.

such manner as shall be ordered by any Act or Acts of the Legislature thereof; and in case he shall refuse, or wilfully neglect to keep such books as aforesaid, or to allow the inspection thereof as aforesaid, or to account with, and pay over to the Treasurer in manner as herein mentioned, he shall, for every such neglect or refusal, forfeit and pay to Her Majesty the sum of fifty pounds over and above the amount of any deficiency in the said moneys so by him payable, the same to be recovered by bill, plaint or information in the Supreme Court of this Island, to and for the use of Her Majesty's Government thereof.

Penalty on Controller neglecting, &c, to keep accounts, &c, or to pay over to Treasurer moneys received.

IX. The Office of Controller of Customs and Navigation Laws for Charlottetown shall be kept in the Colonial Building, in Charlottetown, and shall be opened on such days as shall be appointed for that purpose by the Lieutenant Governor in Council, from ten o'clock in the morning to four o'clock in the afternoon.

Office of Controller of Customs, &c, to be kept in Colonial Building on days to be appointed by Lt. Governor in Council, &c.

X. After the passing of this Act it shall be lawful for the Lieutenant Governor, with the advice and consent of the Executive Council, to nominate and appoint a fit and proper person within this Island to superintend the survey and admeasurement of Ships, in conformity with the provisions of the said recited Act of the Imperial Parliament of Great Britain and Ireland.

Lieut Governor with advice of Council, to appoint a Surveyor of British Shipping.

XI. The Lieutenant Governor, with the advice and consent aforesaid, shall have power to remove any person so appointed to superintend the survey and admeasurement of Ships as aforesaid, from his office, and to appoint another person to fill up any vacancy occurring in such office, from such removal, or from death or resignation.

Power to remove person appointed Surveyor of Shipping, and to make new appointments, &c.

Fees to be
taken by Sur-
veyor of British
Shipping.

XII. Any person to be appointed to superintend the survey and admeasurement of Ships in this Island, under the provisions of the Imperial Act hereinbefore recited, intituled “An Act to consolidate and amend the Acts relating to Merchant Shipping,” shall receive and take as a remuneration to him for his services to be performed, no other or greater fees than those following, that is to say:—

For Certificate of the Survey of a vessel under one hundred tons, ten shillings and six-pence.

Of a vessel of one hundred tons, and under two hundred tons, fifteen shillings.

Of a vessel of two hundred tons, and less than three hundred tons, seventeen shillings and six-pence.

Of a vessel of three hundred tons and upwards, one pound one shilling.

Mileage to make Survey for each mile travelled, one shilling.



CAP. XVII.

An Act to consolidate and amend the Laws relating to the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.

[Passed April 17th, 1855.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows, that is to say:—

I. The Act of the seventh Victoria, chapter twenty-three, intituled “an Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General

Repeals 7 Vic,
cap 23.

Assembly," and the Act of the eleventh Victoria, chapter seventeen, in amendment thereof, shall be, and the same are hereby repealed.

Also 11 Vic, cap 17.

II. No petition against the election or the return of any member to serve in the House of Assembly shall be received after the expiration of fourteen days after that appointed for the opening of the Colonial Parliament, for the despatch of business, or after the expiration of fourteen days next after that on which the return of the election of such member shall have been notified to the House, nor unless it be signed by six electors, at least, (being duly qualified according to law), of the Electoral District or Town and Royalty within this Island for which the controverted election or return shall have been held or made; and the legal qualification of such electors shall be certified by them on oath before any Justice of the Peace, who is hereby authorised to administer such oath, in the form prescribed by the law of this Island, and a certificate of the taking such oath, under the hand of such Justice of the Peace, shall be annexed to the petition, which shall not be received if this form be not observed, and every such petition shall set forth the allegations and reasons by which such petition is to be supported; and if the House of Assembly shall resolve that the said allegations and reasons, if well founded, are sufficient to render such election or return void, it shall appoint a day for taking the petition into consideration, and the day shall be such as to afford sufficient time for the parties and witnesses to attend before the House or Committee, according to the distance of the place whence they are to come, and the same shall be notified by the Clerk of the House, as well to the sitting member or members, whose election or return shall

No petition against the return, &c, of any member to be received after the expiration of 14 days from opening of the Assembly, or notification of the return, to the House.

Nor unless signed by six electors.

Qualification of such electors to be certified on oath.

Certificate of oath to be annexed to petition.

Other requisites of petition.

be contested, as to the petitioners; and the House of Assembly shall proceed to hear, try and determine such contestation during the session in which it shall be commenced, or during any subsequent session of the same House, if it cannot be determined during that in which it is so commenced.

No petition against election or return to be received unless accompanied by bond.

Before whom bond to be entered into.

Penalty in bond for principal and 2 sureties.

Condition of bond.

Sureties to justify.
Form of Bond.

Before whom sureties are to justify.

Bond, &c, to be valid against petitioner and sureties.

III. No petition against the election or return of any member to serve in the House of Assembly shall be received unless it be accompanied by a bond, in due form, entered into before the Speaker of the House of Assembly, or before one of the Judges of the Supreme Court of Judicature, by which bond the petitioner or petitioners shall bind himself or themselves, under a penalty of one hundred pounds, with two good and sufficient sureties, under a penalty of fifty pounds each, to appear and prosecute his and their complaint, and to pay such sum of money as the House of Assembly shall adjudge to the person or persons against whom such a complaint shall have been made, if the petitioner or petitioners shall fail; and the said sureties shall, at the time of signing the said bond, which shall be in the form prescribed in the schedule to this Act annexed, justify their efficiency on oath before the said Speaker, who is hereby authorized to administer such oath, or before the said Judge, as the case may be, who shall receive such bond, and shall certify the whole under his hand.

IV. The said bond or recognizance, when so taken, shall be good and valid against the said petitioner or petitioners and sureties, so entering into the same; and after the House of Assembly shall have decided the controverted election, respecting which such bond or recognizance shall have been given, the amount of

costs incurred in consequence of the same, and certified under the hand of the Speaker, as hereinafter directed, shall and may, in case of non-payment, be sued for and recovered in Her Majesty's Supreme Court of Judicature of the said Island, by or at the suit of Her Majesty, her heirs and successors, or of any other party, as the case may be, in favor of whom such costs shall have been adjudged by the House of Assembly.

Costs of controverted election to be certified by Speaker, and in case of non-payment, recoverable in Supreme Court.

At whose suit the same may be recovered.

V. The petitioners shall, within a time to be fixed by the House, place in the hands of the Clerk thereof a list of the witnesses whom they intend to call; and the opposite party shall do the like within the same time; and it shall be the duty of the Speaker to issue an order under his hand, addressed to the Sergeant-at-arms attending the House of Assembly, or his deputies, enjoining him or them to summon the witnesses named in such list to appear on the day and at the hour fixed for the trial of the contestation; and if such witnesses, after being duly summoned, do not appear or give sufficient excuse (of which the said House shall be judge), such of them as make default shall incur a penalty which shall not exceed the sum of one hundred pounds, the same to be recovered by bill, plaint or information in any Court of competent jurisdiction, and to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government. Provided always, that no witness shall incur any penalty if such petitioner, or the party summoning him, shall (being thereunto required), have refused to advance him at the rate of three-pence per mile for each mile such witness shall have to travel from his place of residence, to attend before the committee and return again. Provided also, that each party shall deposit in the hands

Petitioner and sitting Member to furnish Clerk of Assembly with lists of their witnesses.

Mode of summoning witnesses.

Penalty on witnesses not obeying summons.

Mode of recovering and appropriation of penalty.

Proviso that mileage shall first be tendered to witness.

Each party to deposit with

Clerk of Assembly a sum sufficient, in judgment of Speaker, to defray expense of summoning witnesses.

of the Clerk of the House the sum reasonably necessary, in the judgment of the Speaker, to defray the expenses of summoning the witnesses of such party, which shall afterwards be taxed by the Speaker of the House, reserving to the House itself the right of deciding finally which of the parties shall pay the whole amount of such expenses.

Sitting Member signifying in writing his intention not to contest petition not to be admitted a party against same, nor allowed to sit or vote before decision.

VI. When any member shall have signified in writing under his hand to the Speaker that he does not intend to contest the petition presented against his return, he shall not be admitted as a party against such petition at any time, or during the course of any subsequent proceedings, and shall not sit or vote in the House of Assembly at any time before the final decision of such contestation.

Parties to exchange lists of votes deemed objectionable.

VII. The parties shall, within the time mentioned in the first section, exchange lists of all the votes to whom either of them intend to object before the said House, with the reasons of such objection, and a statement of all other things and incidents on which either of them intends to insist, or to contest before the said House.

Mode of trial of contested elections on petition.

VIII. In all contestations brought before the House of Assembly relative to elections the House shall refer the taking of the inquest to a committee of the whole House, out of which the Chairman shall be appointed, and the Chairman and Members shall be sworn by the Clerk of the House, who is hereby authorized to administer such oath; and the oath of the said Chairman and of the Members of the said Committee shall be to enquire diligently, and without favour or partiality, into the facts relative to the order of reference, and to make a true

and faithful report of the inquest by them taken, and of their opinion thereon.

IX. The witnesses shall remain outside of the House, and when called in, they shall, before they are examined, be sworn at the bar by the Clerk of the House: Provided that when any Member of the House shall be a witness, he may be sworn and examined in his place.

Mode of examining witnesses in such cases.

X. After the House shall have decided the controverted election, it shall determine the amount of costs incurred in consequence of the same, and the Speaker shall certify the amount under his hand, and such certificate shall be evidence of such costs in favor of those to whom they shall have been adjudged by the House, in any Court having authority to award judgment and execution for the same. Provided always, that if the election of one or more Members shall be declared void by the said House, only by reason of facts which shall have happened without the knowledge, participation or consent of such member or members, he or they shall not be condemned to pay any part of the costs.

House to determine amount of costs, and Speaker to certify same.

Speaker's certificate of costs to be evidence in any Court in favor of person to whom granted.

Sitting Member not to be condemned in costs if election be declared void in consequence of facts not within his knowledge.

XI. Every person who shall be guilty of wilful perjury in giving any evidence, after being sworn under the authority of this Act, shall be liable to the pains and penalties attached by the laws in force in this Colony to the crime of wilful and corrupt perjury.

Punishment of perjury under this Act.

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

Continuance of Act. /

CAP. XVIII.

An Act to facilitate the partition of
Lands held by persons as joint Tenants,
Co-parceners or Tenants in common.

[Passed April 17th, 1855.]

BE it enacted by the Lieutenant Governor,
Council and Assembly, as follows:—

Partition of
lands may be
either as at
common law or
under this
statute.

I. That all persons holding lands as joint tenants, tenants in common or co-parceners, may be compelled to divide the same in manner provided in this Act.

Proceedings to
be commenced
by petition to
Supreme Court.

II. Any one or more of the persons so holding lands may apply by petition to the Supreme Court for the County where the lands lie for a partition of the same, and such Court may cause partition to be made accordingly; and the shares of the petitioners shall be set off and assigned to them, and the residue of the premises shall remain for the persons entitled thereto, subject to a future partition among them if there is more than one person so entitled.

By whom petition may be maintained.

III. Such petition may be maintained by any person who has an estate in possession, but not by one who is entitled only to a remainder or reversion.

Same subject.

IV. No tenant for any term of years, unless twenty thereof at the least, remain unexpired, shall maintain such a petition against any tenant of the freehold; but when two or more persons hold jointly or in common, as tenants for any term of years, either of them may have his share set off and divided from the others, in

the same manner as if they had all been tenants of the freehold.

V. Such partition between two or more tenants for years, shall continue in force only so long as their estates endure, and shall not affect the premises when they revert to the respective landlords or reversioners.

Duration of partition as between tenants for years.

VI. Every petition for partition shall set forth the rights and titles, so far as known to the petitioner, of all persons interested in the premises, who would be bound by the petition, whether they have an estate of inheritance, or for life or years, and whether it be an estate in possession or in remainder or reversion, and whether vested or contingent; and if the petitioner holds an estate for life or years, the person entitled to the remainder or reversion, after his estate, shall be considered as one of the persons so interested, and shall be entitled to notice accordingly; such petition, or any subsequent proceeding had thereon, may be amended at any time upon such terms as the Court or a Judge may impose.

Contents of petition; amendments to be allowed at any stage.

VII. The petition shall be filed in the same manner as a declaration, and a summons to appear and answer thereto shall be signed by the Prothonotary, and a copy thereof, with a copy of such petition, accompanied by a rule to plead, and the usual notices, shall be served on each of the parties named in the petition as interested in the premises, if they shall be found within the Island, the like number of days before the sitting of the Court, as is required in declaration suits.

Petition to be filed, summons to be issued and served, with a copy of petition; rule to plead, &c, as if it were a declaration.

VIII. If any of the persons so named as interested are absent from the Island, or if there

Proceedings in cases where

parties are absent from the Island, &c.

are persons interested in the premises, and who would be bound by the partition, whose names are unknown to the petitioner, the Court or a Judge thereof shall order notice to be given to the parties interested, who are so absent or unknown, by a publication of the petition or of the substance thereof, with the order of the Court or a Judge thereon, in one or more newspapers to be designated in the order, or by delivering to such absent party an attested copy of the petition and order, or in such other manner as such Court or Judge shall consider to be most proper and effectual.

Where party fails to appear Court may order further notice.

IX. If any person entitled to notice shall fail to appear, and if the service of the summons or other notice to him shall appear to the Court to have been insufficient, the Court or a Judge may order such further notice as may be thought proper.

Proceedings may at any stage be continued from term to term, where it appears absent party has not had opportunity to appear.

X. If, in any stage of the proceedings, it shall appear to the Court that any person interested, whether named in the petition or not, is out of the Island, and has not opportunity to appear and answer to the suit, it shall be continued from term to term until sufficient time has been allowed to enable him to appear, and answer thereto.

Guardians for infants, &c., may be assigned by the Court.

XI. The Court or a Judge may assign a guardian for the suit for any infant or insane person who is interested in the premises, in the same manner as a guardian is admitted for an infant plaintiff or defendant at common law.

Defendants may appear jointly or separately, and pleadings, &c.

XII. Any person interested in the premises of which partition is prayed for, may appear and answer to the partition, and may plead either separately or jointly with any other de-

defendants any matter tending to shew that the petitioner ought not to have partition as prayed for, either in whole or in part; and the replication and further pleadings shall be conducted as in other actions until issue is joined, which shall be tried and determined as in other cases; all such pleadings to be filed and served in the same way as the pleadings in declaration suits, and notices of trial to be given in like manner.

may be had as
in other cases.

XIII. If any person who is not named in the petition shall appear and plead as a defendant, the petitioner may reply that such person has no estate or interest in the lands described in the petition, and may pray judgment if he shall be admitted to object to the petition, and the petitioner may, in the same replication, plead over in answer to such plea in any other matter in like manner as he might have done if he had not disputed the defendant's right to appear.

Replication in
cases where
party's right to
appear and de-
fend is contest-
ed.

XIV. If, upon such a replication, it shall appear that the defendant has no estate or interest in the lands, the matter of his plea or objection shall be no further enquired of.

Proceedings
thereon.

XV. If, upon the trial of any issue of law or of fact, it shall appear that the petitioner is entitled to have partition as prayed for, he shall recover his costs of such trial against the party who objected thereto, and shall have execution therefor in the usual form; but if such issue is found or decided against him, in whole or in part, the adverse party shall recover against him the costs of the trial, and shall have execution accordingly, and judgment may, notwithstanding, be entered for the petitioner to have partition, and to have assigned to him such

Costs of trial,
how regulated.

part of the premises, if any, as he shall be entitled to.

Proceedings in cases of default; rule for partition thereon.

XVI. If the defendant shall make default, or if, upon such trial, it shall appear that the petitioner is entitled to have partition, whether for the share or proportion claimed in his petition, or for a less share, a rule that partition shall be made shall pass, but the Court shall have the same power of setting aside defaults and in granting new trials as in other cases.

Commissioners to be appointed to make partition under rule.

XVII. When such rule shall have passed, the Court shall appoint three disinterested persons as commissioners, to make partition and to set off to the petitioners the shares belonging to them, which shall be expressed in the rule in that behalf.

Several petitioners may have shares set off jointly or separately.

XVIII. If there are several petitioners they may have their shares set off together, or the share of each one may be set off in severalty at their election.

Commissioners to be sworn before a Justice, &c.

XIX. The commissioners, before proceeding to the execution of their duties, shall be sworn before any Justice faithfully and impartially to perform the same, a certificate of which oath shall be made on the warrant by the person who administered it.

Commissioners to give notice of time and place of partition.

XX. The commissioners shall give sufficient notice of the time and place appointed for making the partition to all persons interested therein, who are known and within the Island, that they may be present, if they see fit.

The three commissioners to meet, but acts of two to be valid.

XXI. The three commissioners shall meet for the performance of any of their duties, but the acts of any two of them shall be valid.

XXII. When the premises of which partition is demanded are such as cannot be divided without damage to the owners, or when any specific part of the estate is of greater value than either party's share, and cannot be divided without damage to the owners, the whole estate, or the part thereof so incapable of division, may be set off to any one of the parties who will accept it, he paying or securing to any one or more of the others such sums of money as the commissioners shall award, to make the partition just and equal; but the partition in such case shall not be established by the Court until all the sums so awarded shall be paid to the parties entitled thereto, or secured to their satisfaction.

Partition, how effected, where the premises cannot well be divided.

XXIII. In the case mentioned in the preceding section, the commissioners, instead of setting off the premises, or a part thereof, in the manner herein provided, may assign the exclusive occupancy and enjoyment of the whole or the part, as the case may be, to each of the parties alternately, for certain specified times, in proportion to their respective interests therein.

Subject of last preceding section continued.

XXIV. When the whole or any specific part of the premises is assigned, in the manner provided in the preceding section, the person entitled, for the time being, to the exclusive occupancy, shall be liable to his co-tenants for any injury to the premises occasioned by his misconduct, in like manner and to the like extent as a tenant for years under a common lease, without express covenants, would be to his landlord; and the other tenants in common may have their remedy therefor against him by an action on the case, either jointly or severally, at their election.

Tenant liable for injury occasioned by his misconduct, where he has exclusive occupancy.

Liabilities, in case of sole occupancy, by one tenant in common.

XXV. Whilst any estate is in the exclusive occupancy of any co-tenant under such an assignment as before mentioned, he shall be entitled to the same remedy against any person who shall trespass upon or otherwise injure the premises, as if he held the same under a lease for the same term for which they were assigned to him; and he and all the other tenants in common shall also be entitled to recover against the wrong-doer such other and further damages as they shall have sustained by the same trespass or injury, in like manner as if the premises had been leased by them for such term; and all joint damages recovered by any such tenants in common, by force of this or of the preceding section, shall be apportioned and divided among them, according to their respective rights by the Court in which the judgment is recovered.

Commissioners to make returns to the Court, which, if confirmed, shall be filed and registered.

XXVI. The commissioners shall make a return of their proceedings, under their hands, together with the warrant, to the Court, and if their proceedings are confirmed by the Court, judgment shall be thereupon rendered, that the partition so made be final, and the return shall then be filed, and a certified copy thereof be recorded in the office for the Registry of Deeds in this Island.

Court may set aside return and order new proceedings.

XXVII. The Court, for any sufficient reason shewn, may set aside the return, and commit the case anew to the same or to other commissioners to be appointed, whereupon the same proceedings shall be had as above directed.

Final judgment, upon whom conclusive.

XXVIII. The final judgment, confirming and establishing the partition, shall be conclusive as to all rights, both of property and possession, of all parties and privies to the

judgment, including all persons who might by law have appeared and answered to the petition, except as is hereafter provided.

XXIX. If any person who was a part owner with the petitioners, and for whom a share is left upon the partition, should be out of the Island when the summons or notice to him is served, and should not return in time to appear and answer to the suit, he may at any time within three years after the final judgment apply to the Court for a new partition of the premises.

Part owners, absent from the Island, for whom a share was left, may apply within one year for a new partition.

XXX. If, upon such an application, and after hearing of all parties interested therein, it shall appear to the Court that the share left for the applicant was less than he was entitled to, or that the part left for him was not, at the time of the partition, equal in value to his share of the premises, the Court may order a new partition thereof, which shall be made in the manner before provided.

And Court, if justice require, may order a new partition.

XXXI. In such new partition the commissioners shall not be required to make a new division of the whole premises, but they may take from any one share or shares and add to any other or others so much as shall, in their judgment, be necessary to make the partition just and equal, estimating the whole as in the state in which it was when first divided; or if an equal partition of the lands cannot be made without inconvenience to the owners, the commissioners may award money to be paid by one party to another, as before provided, to equalize the shares.

Commissioners' duty on making a new partition.

XXXII. If, after the first partition, any improvement shall have been made on any part of the premises which by the new partition shall

Improvements to be taken into consideration on new parti-

tion, and proceedings in cases where they have been made.

be taken from the share of the party who made the improvements, he shall be entitled to compensation therefor, to be estimated and awarded by the commissioners, and to be paid by the party to whom such part of the premises shall be assigned on the new partition, and the Court may order execution therefor in the usual form.

Persons not parties to the petition, either as petitioners or defendants, not to be concluded by partition.

XXXIII. If any person who has not appeared and answered to the petition for partition shall claim to hold in severalty the premises therein mentioned, or any part thereof, he shall not be concluded by the judgment for partition, but may bring his action for the land claimed by him against any or all of the petitioners or defendants, or of the persons holding under them, as the case may require, within the same time in which he might have brought it if no such judgment for partition had been rendered.

A person not appearing, but claiming a share assigned to a part owner, shall be bound by the partition; but may have an action for the share.

XXXIV. When any person who has not appeared and answered to the petition shall claim the share that was assigned to, or left for any of the supposed part owners in the judgment for partition, he shall be concluded by the judgment, so far as it respects the partition and the assignment of the shares, in like manner as if he had been a party to the suit, but he shall not be prevented thereby from bringing his action for the share claimed by him against the person to whom it was assigned or for whom it was left.

Action, in such case, how and against whom to be brought.

XXXV. The action, in such case, shall be brought against the tenant in possession, in like manner as if the plaintiff had originally claimed the specific piece of land demanded, instead of an undivided part of the whole land, and it may be brought within the same time in which it

might have been brought if no such judgment for partition had been rendered.

XXXVI. If two or more persons appear as defendants, claiming the same share of the premises to be divided, it shall not be necessary to decide upon their respective claims, except only for the purpose of determining which of them shall be admitted to appear and plead in the suit; and if partition is made, the share so claimed shall be left for whichever of the parties shall prove to be entitled to it in a suit to be thereafter brought between themselves.

Proceedings where two persons claim the same share before division.

XXXVII. If, in such a case, it shall be decided in the original suit for partition, upon the replication of the petitioners or otherwise, that either of the defendants is not entitled to the share that he claims, he shall be concluded by the judgment, so far as it respects the partition and the assignment of the shares, but he shall not be prevented thereby from bringing his action for the share claimed by him against the other claimant thereof, in the manner provided in the three preceding sections.

The defendant against whom judgment is given on the partition, in cases under the last preceding section, not to be precluded from subsequently contesting his right with the other.

XXXVIII. If any person who has not appeared and answered as above, shall claim any part of the premises mentioned in the petition, as a part owner with those who were parties to that suit, or any of them, and if the part or share so claimed was not known or not allowed, and left for him in the process for partition, he shall be concluded by the judgment so far as it respects the partition, but he shall not be prevented thereby from bringing an action for the share or proportion claimed by him against each of the persons who shall hold any part of the premises under the judgment for partition.

Rights of a party not appearing where the share was not known or allowed, and how far affected by the partition judgment.

Redress, in such case, how and against whom obtained, &c.

XXXIX. If the plaintiff shall prevail in the case last mentioned, he shall not be entitled to demand a new partition of the whole premises, but he shall recover against each of the persons holding under the judgment for partition the same proportion or share of the part held by him that plaintiff was entitled to out of the whole premises before the partition thereof.

Rights of heir or devisee where, after petition, it shall appear that the ancestor or testator died before partition, how affected.

XL. If, after making of partition, it shall appear that any person for whom a share was left, or to whom a share was assigned, had died before such partition was made, the heir or devisee of such deceased person shall not, by reason of such heir or devisee having been a party to the suit, either as a petitioner or as a defendant, be barred from claiming the share that belonged to the deceased person, but the heir or devisee in such case shall have the same rights and the same remedies in all respects as if such heir or devisee had not been a party to the suit, and had not notice of the pending thereof.

Remedy where a party is evicted by one having a title paramount.

XLI. If any person, to or for whom any share shall have been assigned or left upon any judgment for partition, shall be evicted thereof by any person who, at the time of the partition, had a title thereto paramount to the title of those who were parties to the suit for partition, the person so evicted shall be entitled to a new partition of the residue, in like manner as if the former partition had not been made.

Lien by mortgage or judgment, how affected by partition, &c.

XLII. Any person having a mortgage, attachment or other lien upon the share of any part owner shall be concluded by the judgment, so far as it respects the partition and the assignment of the shares, but his lien shall re-

main in full force upon the part that shall be assigned or left for such part owner.

XLIII. In case of the death of any party in a petition for partition, the suit need not abate, but may be conducted and prosecuted to final judgment, under such rules and orders for bringing in the heirs or representatives of the deceased party as the Court or Judge may think proper, for making them parties to the suit and regulating the proceedings accordingly.

Suit not to abate for death of a party named in a petition for partition.

XLIV. The expenses and charge of the commissioners shall be ascertained and allowed by the Court, and all the other costs of the proceedings shall be taxed in the usual manner, and the whole shall be paid by the parties in proportion to their respective shares or interests in the premises, except only the costs of a trial of any issue joined in the case as to which a different provision is before made.

Expenses of commissioners to be allowed, and costs to be taxed as in other cases, and apportioned amongst parties, except where provided otherwise by this Act.

XLV. Every person holding any lands under a partition made by virtue of this Act, shall be considered as holding them under an apparently good title, so that in case of eviction he shall be entitled to compensation for any improvements made thereon.

Titles, under a judgment of partition, how considered.

XLVI. Every order made in pursuance of this Act by a single Judge, not sitting in open Court, shall be liable to be rescinded or altered by the Court, in like manner as other orders.

Orders of a single Judge liable to be altered or rescinded.

CAP. XIX.

An Act relating to the Office of Road Correspondent, and the appointment of Assistants in the several Offices in this Island therein mentioned.

[*Passed April 17th, 1855.*]

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

Office of Road Correspondent separated from that of the Colonial Secretary, &c.

Duties of Road Correspondent and Assistant Clerk of Executive and Legislative Councils to be performed by one person appointed by Lieutenant Governor, &c, and give security, &c.

Person so appointed, &c, invested with all the powers of Road Correspondent, &c.

Lieutenant Governor to appoint Assistants to Colonial Secretary, Post-master General,

I. From and after the passing of this Act the office of Road Correspondent shall be, and the same is hereby separated from the office of Colonial Secretary of this Island, and shall be and is hereby constituted a separate and distinct office ; and the duties of the said office of Road Correspondent, together with the duties of the Assistant Clerk of the Executive and Legislative Councils, shall be performed by one and the same person, who shall be appointed by the Lieutenant Governor, by and with the advice of the Executive Council ; and after having given security to the satisfaction of the Lieutenant Governor and Council, and taken the usual oaths of office, shall be invested with all the powers and authorities, and subject to all the rules, regulations, provisions, fines and penalties, given to or affecting the Colonial Secretary of this Island as such Road Correspondent, by or under any Act or Acts of the General Assembly of the said Island.

II. From and after the passing of this Act it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to nominate and appoint an Assistant for each of the several offices of Colonial Secre-

tary, Treasurer, Postmaster General and Registrar of Deeds, and Keeper of Plans, in this Island, and the said several Assistants, after having taken the usual oaths of office before the Lieutenant Governor in Council, shall be, and are hereby authorised to exercise and perform all the powers and duties of the said Colonial Secretary, Treasurer, Postmaster General and Registrar of Deeds and Keeper of Plans, as prescribed by the several Acts of the General Assembly of this Island, or which otherwise by law the said Colonial Secretary, Treasurer, Postmaster General, Registrar of Deeds and Keeper of Plans are required or authorised to do, and such Assistants in the performance of their respective duties shall be subject to the supervision and direction of their respective Principals.

Treasurer, and Registrar of Deeds, &c.

Assistants to take oaths of office and authorized to perform the duties of their Principals, subject to their control and supervision.

III. The Assistant to the Colonial Treasurer shall give sufficient security to the satisfaction of the Lieutenant Governor and Council for the due and faithful performance of his duties.

Assistant to Treasurer to give security.

IV. The several officers to be appointed under this Act shall hold office only during the pleasure of the Lieutenant Governor and Council, and any person while holding the office of Assistant to the Colonial Secretary, Treasurer, Postmaster General and Registrar of Deeds and Keeper of Plans, shall be incapable of being elected to serve as a member in the General Assembly of this Island.

Officers appointed hereunder to hold office during pleasure, and in certain cases incapable of being elected a member of the House of Assembly.

V. There shall be paid to the several officers to be appointed under this Act, by Warrant, quarterly, on the Treasury of this Island, the following salaries per annum, that is to say:

Salaries to be paid to Officers appointed hereunder, &c.

Road Correspondent, &c., £100 per annum.

To the Road Correspondent and Assistant Clerk of the Executive and Legislative Council, the sum of one hundred pounds.

Assistant to Colonial Secretary, £150 per annum.

To the Assistant to the Colonial Secretary, the sum of one hundred and fifty pounds.

Assistant to Treasurer, £150 per annum.

To the Assistant to the Colonial Treasurer, the sum of one hundred and fifty pounds.

Assistant to Postmaster General, £120 per annum.

To the Assistant to the Postmaster General, the sum of one hundred and twenty pounds.

Assistant to Registrar of Deeds, &c., £100 per annum.

To the Assistant to the Registrar of Deeds and Keeper of Plans, the sum of one hundred pounds.

Amounts to be annually deducted from salaries of certain officers.

VI. From and after the passing of this Act the following sums shall be annually deducted from the salaries which the Colonial Secretary, Treasurer and Registrar of Deeds and Keeper of Plans are now respectively by law entitled to receive, that is to say :

From Colonial Secretary, £100.

From the salary of the Colonial Secretary, the sum of one hundred pounds.

Colonial Treasurer, £100.

From the salary of the Colonial Treasurer, the sum of one hundred pounds.

Registrar of Deeds, &c., £50.

From the salary of the Registrar of Deeds and Keeper of Plans, the sum of fifty pounds.

CAP. XX.

An Act in addition to the Acts now in force relating to the Asylum for insane persons and other objects of charity, near Charlottetown.

[*Passed 17th April, 1855.*]

Preamble.
3 Vic, cap 21.

WHEREAS by the provisions of the Act of the third year of the reign of Her present

Majesty Queen Victoria, chapter twenty-one, the sum of three hundred and fifty pounds, currency, is annually appropriated for the support of the Asylum for insane persons and other objects of charity, near Charlottetown, the expenditure of which, as well as the management of the said Asylum, is entrusted, by the provisions of the Act of the fifth year of the reign of Her present Majesty, chapter fifteen, to seven Trustees, to be appointed as therein mentioned. And whereas the Legislature of this Island has, for some time past, found it necessary to appropriate other sums of money, beyond the said sum of three hundred and fifty pounds per annum, to the support of the said Asylum; and it is deemed necessary that additional Trustees thereof should be appointed, on behalf of the Government, to act in conjunction with the other Trustees appointed as aforesaid. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

5 Vic, cap 15.

I. After the passing of this Act it shall be lawful for, and the duty of, the Lieutenant Governor of this Island, with the consent and advice of Her Majesty's Executive Council, to nominate and appoint three Members of the Executive to be Trustees of the said Asylum, in addition to the seven Trustees appointed under the Act of the fifth Victoria, chapter fifteen, who shall have equal powers with such other Trustees to make and ordain rules and regulations for the management of the said institution, and to appoint the several officers therefor, to fix and determine the amount of salaries to be paid to such officers, and the appropriation and expenditure of all monies voted by the Legislature for the support of the said institution.

Lieutenant Governor, &c., to appoint three members of Executive Council additional, to be Trustees of Asylum for insane persons, &c.

Powers of Trustees appointed under this Act.

What number of Trustees shall form a quorum, &c.

II. The same number of Trustees as heretofore shall constitute a quorum for the transaction of business, and a majority of them shall determine any question pending before them.

Lieutenant Governor to appoint new trustees in case of vacancies, &c.

III. The Lieutenant Governor, with the advice and consent aforesaid, shall appoint a new Trustee, who shall be a member of the Executive Council, to fill any vacancy occurring among the Trustees appointed under this Act, by death, resignation, removal, or otherwise.

Person appointed Trustee hereunder ceasing to be member of Executive to be no longer Trustee.

IV. Whenever any Trustee appointed under this Act shall cease to be a member of the Executive Council, he shall also, at the same time, cease to be a Trustee under this Act.

CAP. XXI.

An Act to continue the Act relating to the limits and rules of Jails in this Island.

[*Passed April 17th, 1855.*]

Preamble.

12 Vic. cap 1.

WHEREAS the Act made and passed in the twelfth year of the reign of Her present Majesty Queen Victoria, intituled "An Act relating to the limits and rules of Jails in this Island," will shortly expire, and it is necessary to continue the same :

Continues 12 Vic, cap 1, relating to Limits of Jails, &c, for 10 years, &c, and to end of the then next session of Assembly, &c.

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

CAP. XXII.

An Act in addition to an Act relating to the office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.

[*Passed April 17th, 1855.*]

WHEREAS it hath become necessary to invest the Surrogate and Judge of Probate of Wills with power to impose costs, in cases argued before him :

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, that in all cases that may hereafter be argued before, heard or determined by the said Surrogate and Judge of Probate, it shall be discretionary with him whether or not he shall allow the costs of such argument or hearing to the proctors or advocates of the said parties, and the fees of witnesses for attendance and mileage, at the same rate as are allowed in and by the practice of the Supreme Court of this Island ; and in case the said Judge shall think fit to allow any such costs or fees, it shall be lawful for him to grant an order for the payment thereof, and upon neglect or refusal to pay the same at a day to be appointed in the said order, then the said Surrogate and Judge may, upon affidavit of service of such order, and of refusal or neglect, on demand being made, to pay the amount therein contained, issue a process of contempt against the person or persons so refusing or neglecting to obey such order ; such process to be executed in the same manner as pointed out in the said Act to which this Act is an addition ; and the parties against whom such process shall have issued shall be committed to prison till they shall have complied with the requisites of such order.

Empowers Surrogate, &c. to order payment of costs in cases heard before him, &c.

Mode of enforcing payment of such costs, &c.

I Vic. cap 15.

CAP. XXIII.

An Act authorizing the appointment of additional Coroners in this Island.

[*Passed April 17th, 1855.*]

Preamble.

WHEREAS, from the increase of population it is deemed necessary to increase the number of Coroners in this Island: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

Lt. Governor, &c. authorized to appoint additional Coroners for the several Counties.

I. From and after the passing of this Act it shall and may be lawful for the Lieutenant Governor in Council, from time to time, to appoint one or more Coroners in and for each of the Counties of Prince, King's and Queen's County respectively, in addition to the persons now holding that office in the said several Counties.

Coroners appointed hereunder to reside in their Counties.
Their powers, privileges, &c.

II. All Coroners appointed under this Act shall reside in their respective Counties, and shall use and be invested with, and entitled to, all the powers, privileges, perquisites and emoluments of right belonging to the said office of Coroner.

Coroner resident nearest to place where deceased person died to hold inquest.

In case of his absence or illness, then next nearest Coroner to hold same.

III. That in all inquests hereafter to be held the Coroner resident nearest to the place where the deceased person shall have died, shall be the Coroner having authority to hold the inquest upon such deceased person, or in the absence of such last mentioned Coroner out of his County, or in the event of his being incapacitated from acting, by illness, interest or otherwise, then such inquest shall be held by such Coroner whose residence shall be next nearest to the place of the death of the deceased as aforesaid.

IV. The costs and expenses now by law chargeable for holding inquests on the bodies of deceased persons shall hereafter be paid out of the public Treasury of this Island, after the same are certified in the usual manner, any law, usage or custom to the contrary thereof notwithstanding.

Expense of inquest to be paid out of treasury,

When certified in usual manner.

V. It shall be the duty of all Coroners holding inquests, under the authority of this Act, to transmit the proceedings and finding of the same to the Lieutenant Governor in Council, in order to their publication, if thought necessary.

Coroners to transmit particulars of inquest, &c, to Lieut Governor in Council for publication, if thought necessary, &c.

CAP. XXIV.

An Act relating to Stamped Instruments.

[Passed April 17th, 1855.]

WHEREAS it sometimes occurs that Deeds and Instruments in writing, relating to real or personal estate situate in this Island, or to transactions pending therein, are signed and executed in the United Kingdom of Great Britain or Ireland, or in some of the dependencies thereof, or in some foreign country or dominion, and by revenue laws of the said United Kingdom, or dependencies, or foreign country, or dominion, are liable to certain stamp duties, and it occurs that such deeds or instruments are offered in evidence in Courts of Justice in this Island, and doubts have arisen whether such deeds or instruments are admissible in evidence, in case the same shall not have been duly stamped according to the law of the said United Kingdom, or its dependencies, or of such foreign country or dominion, wherein such deeds or instruments shall have been executed:—

Preamble.

No deed, &c. to be inadmissible in Court of justice or before arbitrators, &c. on account of same not being stamped according to laws of the country wherein same may have been executed.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that for the removing of all such doubts as aforesaid, no deed or instrument hereafter to be used in any Court of Justice in this Island, or upon the arbitration of any case, cause or matter at issue between any parties therein, shall be inadmissible in evidence, by reason of the same not having been stamped for duty according to the revenue law or laws of the kingdom, country or dependency in which such deed or instrument may have been executed.

CAP. XXV.

An Act to incorporate the Charlottetown Mechanics' Institute.

[Passed April 17th, 1855.]

Whenever 10 persons or more shall raise £10 per annum, for the purpose of disseminating a knowledge of arts and sciences, &c.

They shall become a Corporate Body, by the name of the "Charlottetown Mechanics' Institute," &c. with certain privileges, &c.

How long privileges shall continue, &c.

BE it enacted by the Lieutenant Governor, Council and Assembly, that whenever ten persons or more shall raise ten pounds per annum, or upwards, to be applied for the purpose of disseminating a knowledge of the Arts and Sciences, and of general Literature, of establishing a Library, and of procuring apparatus to illustrate Lectures, they shall thereupon become a Corporate Body, by the name of the "Charlottetown Mechanics' Institute," with all the privileges and obligations conferred by the Acts of the fifteenth year of Her present Majesty Queen Victoria, chapters fourteen and fifteen; and such privileges shall continue only so long as there are ten members or more in the Institute, and they shall raise annually the sum of ten pounds at the least, and apply it for the purposes aforesaid.

CAP. XXVI.

An Act to repeal the Act empowering the Administrator of the Government, in certain cases, to shut up such Roads or parts of Roads as are no longer required, and to make other provisions in lieu thereof.

[*Passed April 17th, 1855.*]

BE it enacted by the Lieutenant Governor, Council and Assembly, and by the authority of the same, as follows :—

I. That where a line of road has been opened or altered in this Island, and any old line of road shall in consequence thereof have been abandoned by the public, or become thereby unnecessary as a general thoroughfare, and such new or altered line of road shall have been made equally as good and passable as the old line, any of the proprietors or occupants of land adjoining the old road may, by petition, stating the facts and the names of all parties interested in the lands on either side of the road, apply to the Lieutenant Governor in Council to shut up or otherwise dispose of the same; which petition shall be accompanied by an affidavit that at least thirty days previous notice, in writing, of the application has been given to the parties interested or occupying lands on said old road, and posted up in two public places near the road, and notice of the said application and petition shall then be given by the Government, by causing the same to be advertised for three consecutive months in the *Royal Gazette* newspaper of this Island; and if, on or before the expiration of the said three months, no person or persons shall have notified in writing his, her

Lieut Governor may order old line of road, rendered unnecessary by the opening of a new line, &c, to be closed when new line has been made equally as good.

Mode of applying to have old line closed by petition.

Thirty days notice of application to be given to parties interested.

Notice of application and petition to be given by advertisement in the *Royal Gazette* for 3 months.

If no person shall then have notified in

writing his opposition to closing the road,

Lieut Governor may order same to be done.

In case of any person opposing same by notice in writing,

Lieut Governor to appoint 3 persons to inquire into the case.

Notice to be given by persons so appointed and their duty.

Commissioners so appointed to make a report of their opinion &c, to Lieut. Governor.

Power of Lieut Governor, &c, when no material injury will be sustained by any person.

or their opposition to the closing of the old line of road, and that he, she or they will be injured thereby, then it shall be lawful for the Lieutenant Governor in Council, if he think fit, to make an order to close the said old line of road; but if any person or persons, before the expiration of the said period of three months, shall notify the Lieutenant Governor in Council in writing of his, her or their intention to oppose the closing of the said old line of road, and shall state in such notification that he, she or they will be injured or sustain damage by the closing thereof, then the Lieutenant Governor shall nominate and appoint three fit and proper persons, one of whom shall be a Commissioner of Roads, not being parties in any way interested, who shall, within fourteen days after their appointment, having given at least six days previous notice thereof, by advertisement in the *Royal Gazette* newspaper of this Island, and by causing the same to be posted in two public places contiguous to the said road, at a day, hour and place to be mentioned in said notice, and the place being near to said road, duly attend, and shall hear the parties applying and their witnesses, and also the parties opposing and other parties interested, if they shall desire it, and their witnesses, and shall also examine said old line of road, and shall make report of such their investigation and opinion thereon, and as to whether any and what parties will be damaged by the closing of the said road, to the Lieutenant Governor in Council, who, after considering the said report, if it shall appear that no material injury or damage will be sustained by closing the road, may make an order granting or modifying the application for closing the road, as the justice and circumstances of the case may require; but if it shall appear that any party will be really and materially injured by closing

the road, or if, in the absence of private damage or injury, any other consideration of public convenience may weigh with the Lieutenant Governor in Council, then he shall make an order, dismissing the application for closing the road; and in case of an order being made for closing such old line of road, then it shall be lawful for the proprietor or proprietors of the lands on each side of the old line of road to stop up and enclose the same in front of their respective properties; and if more than one proprietor, then to take share and share alike in proportion to the extent of the fronts of their lands respectively, provided that the right of tenure to the soil of such road so shut up shall not be affected by this Act.

II. That where any line of road already established or hereafter to be established shall be irregular, or hilly, or otherwise bad and defective; and the party through whose land the same may pass shall offer a different and preferable line of road through his land, less irregular and less hilly, or in any other respect better than the old line, then the Commissioner of Roads for the District, on application to him made for that purpose, and on a plan of the old line and of the proposed line of road being furnished to him, shall lay before the Lieutenant Governor in Council his opinion respecting the application, and also the said plan; and it shall thereupon be lawful for the Lieutenant Governor, with the advice and consent of the Council, if he shall think the same advisable, to issue an order to the said Commissioner of Roads, authorising and requiring him to accept the new line of road; and the said Commissioner, whenever the same shall be made equally as good and passable as the old road, shall cause the new line to be opened to the public, and the same

In case any party is likely to be injured, &c, Lieut. Governor may dismiss application to shut up road.

If order be made to close old road the adjoining proprietors may enclose same.

Proviso.

Where a public road is irregular or hilly, &c, and person over whose land same runs shall offer a better road, the Commissioner of Roads for the District is to lay the case before Lieut. Governor in Council.

Lieut. Governor in Council may authorise Commissioner to accept the new line, which is to be thereupon opened, on being made as good as the old line, and become a public way.

Party giving new line may enclose so much of old road as passes through his land.

shall thereupon become a public way and thoroughfare; and the person or persons giving the new line may thereupon enclose so much of the old line of road as runs through his or their lands respectively.

What shall be deemed evidence of the closing of any such line of road.

III. That the entry or minute of Council, containing any such order of the Lieutenant Governor of this Island for the time being, in Council, authorizing and requiring any road or part of a road to be altered, stopped up, or discontinued as aforesaid, or a true copy thereof certified by the Clerk of the Council, shall be received as evidence of such alteration, stoppage or discontinuance of roads or parts of roads having been made pursuant to law, and shall be deemed and held as final and conclusive in that respect by all Courts within this Island.

Repeals 3 Wm 4th, cap 23.

IV. That the Act of the General Assembly of this Island, passed in the third year of the reign of His late Majesty King William the Fourth, chapter the twenty-third, shall be, and the same is hereby repealed.

CAP. XXVII.

An Act in addition to, and amendment of, the Act regulating the laying out and altering of Highways.

[Passed April 17th, 1855.]

Preamble.
14 Vic, cap. 1.

WHEREAS the Act of the fourteenth Victoria, chapter one, passed to regulate the laying out and altering of Highways, after enacting the mode in which the same shall be done, and how, by the verdict of a Jury, the damages or advantages, if any, accruing to persons through whose lands roads may be run,

shall be ascertained and assessed, provides in its seventh section that upon payment or tender in manner as therein mentioned to the tenants or proprietors of the soil, of the sum awarded to them by the verdict of a Jury, as compensation for damages sustained by the running of a new line of road over their lands, the right of highway in and over such lands shall be and remain vested in the Crown, provided that no such payment should be made to the proprietor or tenant until the lands shall have actually been taken possession of for the said highway. And whereas also the said recited Act subsequently, in the sixteenth and subsequent sections, enacts the mode in which, by the examination and statement of three Commissioners appointed as therein mentioned, the damages or advantages, if any, accruing to persons through whose lands highways not exceeding five miles in length shall be laid out, or be sought to be laid out, in like manner by its nineteenth section enacts, that immediately upon payment to, and receipt by, the party or parties to whom compensation shall be awarded by the Commissioners so appointed, or in case such party or parties shall refuse to receive such compensation, or in case no person or persons shall appear to claim such compensation as aforesaid, within the time limited by the said recited Act for an appeal against the award of such Commissioners, then and in every such case the right of way over such land or over so much thereof as shall be owned by the party accepting such compensation, and over so much thereof as shall be owned by such party refusing such compensation, as also over so much of such lands as shall not be claimed by any owner, shall respectively become vested in the Crown to and for the purposes of such road. And whereas it sometimes happens that the tenants or proprietors of the soil of the lands over which any highway

Section 7.

14 Vic, cap. 1,
section 16, &c.14 Vic, cap. 1,
section 19.

is laid out, under the said recited Act, notwithstanding the provisions of the said Act hereinbefore recited, and although the amount of compensation or damages awarded to them by the verdict of the Jury, or of the said three Commissioners, as the case may be, may be paid, or tendered to be paid to them, refuse to throw open the line of the highway, as laid out, and continue to obstruct the free use thereof by the public, as contemplated by the said Act; and it is necessary and desirable that such conduct should be punished by fine :

Where compensation for a new line of road has been awarded, &c. or shall be awarded under 14 Vic. cap. 1. to persons over whose land same shall run,

And paid or tendered to them, &c.

Public may make use of the new line of road as an ordinary highway, and remove nuisances and obstructions, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that in all cases where compensation has been, or hereafter shall be awarded, under the said recited Act, either by the verdict of a Jury or of the Commissioners appointed as therein mentioned, to any party or parties, on account of the running of a new line of highway over land owned or occupied by him, her or them, and the amount thereof has been or shall be paid or tendered to such party or parties, or in the event of no owner or owners, lessee or lessees, agent or agents of any owner or owners, lessee or lessees of lands appearing, or being found, to whom the compensation may be tendered or paid, where the amount thereof remains at the disposal of the Lieutenant Governor in Council, as pointed out in the said recited Act, thereupon and from time to time, and at all times thereafter, it shall be lawful for the Commissioner of Highways for the District wherein the new highway, or any part of it, is, or may be situate, and for all other of Her Majesty's subjects, to enter into and upon, and make use of such new line of highway as in all other cases of established highways, and to destroy and remove all nuisances or obstructions thereon; and if any such party or

parties, to whom such amount of compensation money has been or shall be paid or tendered as aforesaid, or any other person, shall obstruct the said highway, or the free passage of the public thereon, either by putting up, keeping or retaining fences or any other obstructions across the said road, or in any other way, such party or parties shall be liable to a fine not exceeding ten pounds, in the discretion of the Justices before whom the case shall be tried, for each and every such obstruction; and for every twenty-four hours that such obstruction shall be retained or continued; the said fine or penalty to be sued for by, and in the name of the Commissioner of the Road District wherein the line of highway, or the part thereof obstructed, shall be situate, before two or more of Her Majesty's Justices of the Peace for the County, and to be levied on the goods and chattels of the party or parties offending; and in default of sufficient goods and chattels, then the offender to be committed to the County Jail for such period as the Justices in their discretion shall ordain, not exceeding in each case two months.

Penalty on persons obstructing the same, &c.

Mode of recovering penalty, &c.

II. Payment or tender of any sum awarded as compensation to the proprietor or tenant of land, over which a new line of road is intended to pass, may be made, if it be found advisable, before the same is taken possession of for the said highway, anything in the said recited Act to the contrary notwithstanding; but any party or parties receiving payment of the compensation money awarded to him, her or them, shall be stopped from disputing the regularity of the proceedings taken under the said recited Act, in order to lay off the said new line of road, in respect of which compensation has been awarded to him.

Sum awarded for compensation may be paid or tendered either before or after new line of road is taken possession of, &c.

Party receiving payment of compensation money stopped from disputing regularity of proceedings, &c.

This Act to extend to future offences with respect to roads already and those hereafter to be laid off under 14 Vic, cap. 1.

But not to offences committed before the passing of this Act.

Not to affect pending suits, &c.

III. This Act shall extend to offences hereafter to be committed or continued with respect to roads, or intended lines of highways, or roads which have been laid off, or to lay off which proceedings have been commenced or taken under the said recited Act, previous to the passing of this Act, as well as to highways or roads hereafter to be laid off, or to lay off which proceedings shall hereafter be taken as aforesaid; but no person shall be liable to be fined under this Act for any offence committed previous to the passing thereof. Provided that nothing in this Act shall extend, or be construed to extend, to any suit now pending or commenced in any Court, against any person or persons, for refusing to throw open such new lines of road; but such suits or actions shall be followed up and completed in the Courts in which such suits shall have been commenced.

Tenant or lessee not to pay to landlord rent for land taken from him for highways.

Lessor only to receive rent for the residue left in possession of the tenant, &c.

Or certificate of sworn Surveyor as to quantity

IV. Where land held by a tenant or lessee, under lease or agreement, or a part thereof, shall be laid off or taken for a line of highway or road under the said recited Act, the tenant or lessee shall be discharged from any further or future payment to the lessor or landlord of the rent reserved and payable in respect of the said land, or of a part or proportion thereof, according to the extent and area of the land taken for the highway or line of road; and the landlord or lessor shall only be entitled to recover and receive a just proportion of the entire rent reserved in the lease or agreement, according to the quantity of land comprised therein, which shall remain in the possession of the lessee or tenant, after deducting the amount taken for the highway or line of road from the whole quantity originally held or demised under the lease or agreement, upon the certificate of a

sworn Surveyor of the quantity of land taken for the highway or line of road. taken for the line of road, &c.

V. It shall be lawful for either the plaintiff or defendant, in any case adjudicated under the provisions, and by the authority of this Act, to appeal to the Justices of Her Majesty's Supreme Court of Judicature, within six days from the time of such adjudication, in the manner permitted to any plaintiff or defendant, in and by the Act of the General Assembly of this Island, passed in the sixteenth year of Her present Majesty's reign, chapter eighth; and upon complying with the provisions of the said Act regarding appeal, and the Justices of the said Court may, and they are hereby authorised and empowered, in their discretion to affirm, quash or otherwise alter or vary the judgment given below, and make such order therein with respect to the same, and the costs thereof, and of the appeal, as shall seem reasonable, according to the facts appearing before them at the hearing of the appeal, and thereupon to enforce their said judgment in the way and manner prescribed in and by the said last hereinbefore recited Act.

Party aggrieved by any adjudication under this Act may appeal to Supreme Court, &c.

In manner pointed out in 16 Vic, cap. 8.

Power of Supreme Court, &c, on hearing appeal; &c.

VI. This Act shall continue and be in force so long as the Act of which this is an amendment shall be in force, and no longer.

Continuance of Act.

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CAP. XXVIII.

An Act relating to the Legislative Library.

[Passed April 17th, 1855.]

WHEREAS it would be more convenient if the general management of the Legislative Library were given to the Lieutenant Governor and Council:—

Preamble.

Lieut Governor
to appoint
Librarian to
the Legislative
Library.

How duties of
Librarian shall
be defined and
Library mana-
ged.

Salary of
Librarian.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor in Council to nominate and appoint a fit and proper person to act as Librarian to the Legislative Library; and such Librarian shall hold office during pleasure; and his duties shall be defined and prescribed; and the said Library shall be generally managed by the said Lieutenant Governor and Council, under such rules and regulations as may be prescribed by the joint Committee of the Legislative Library for the time being.

II. The sum of forty pounds per annum, payable quarterly by warrant on the Treasury of this Island, shall be allowed to the person holding the office of Librarian under this Act.

CAP. XXIX.

An Act to continue and amend the Act relating to the Herring and Alewives Fisheries in this Island.

[Passed April 17th, 1855.]

Preamble.

WHEREAS the Act seventh Victoria, chapter twenty-nine, intituled "an Act for the preservation of the Herring and Alewives Fisheries in this Island," will shortly expire, and it is necessary to continue and amend the same. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

I. That so much of the fourth section of the hereinbefore recited Act as requires the fines and penalties imposed by this Act to be recovered on the oath of two credible witnesses, shall be, and the same is hereby repealed; and from and after the passing hereof, the oath of one or more credible witness or witnesses shall be sufficient to convict any person or persons of any of the offences mentioned and defined in the said hereinbefore recited Act.

Fines, &c, imposed by 7 Vic, cap 29, may be recovered on oath of one credible witness instead of two being required as heretofore.

II. The said Act, save and except in so far as the same is repealed and amended by this Act, shall be, and the same is hereby continued for ten years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

7 Vic, cap 29, save as amended by this Act, continued for 10 years, and to end of the then next Session.

CAP. XXX.

An Act to continue an Act to prevent the running at large of Hogs within the Town, Common and Royalty of Charlottetown.

[Passed April 17th, 1855.]

BE it enacted by the Lieutenant Governor, Council and Assembly, that an Act made and passed in the tenth year of the reign of Her present Majesty, intituled "an Act to prevent the running at large of Hogs within the Town, Common and Royalty of Charlottetown," shall be, and the same is hereby continued for ten years from and after the passing of this Act, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues 10 Vic, cap 7, for 10 years, and to end of then next Session of the General Assembly.

CAP. XXXI.

An Act to authorise remuneration to the Members of the Legislative Council for their services in the General Assembly.

[*Passed April 17th, 1855.*]

Preamble.

WHEREAS great inconvenience has arisen to the public service, and difficulty has been experienced by successive Governments in filling vacancies occurring from time to time in the second Branch of the Legislature of this Island, so that the public opinion of the Country might be fairly represented therein, by reason of there being no provision to indemnify the Members of the Legislative Council for the necessary expenses incurred by them in coming to and attending the General Assembly of this Island: For remedy whereof be it enacted by the Lieutenant Governor, Council and Assembly, as follows:—

President and Members of Legislative Council to receive same allowance for services as the Speaker and Members of House of Assembly, &c.

To be paid by warrant on the Treasurer, &c.

I. From and after the passing of this Act the President and other Members of the Legislative Council of this Island shall be entitled to receive for their services in the General Assembly, for each and every session thereof, the same allowance as the Speaker and other Members of the House of Assembly now or hereafter may receive for their services in General Assembly, together with such travelling fees or charges as have been, or may hereafter be allowed to Members of the House of Assembly—the same to be paid by warrant on the Colonial Treasurer, under the hand and seal of the Lieutenant Governor.

II. This Act shall continue and be in force until the issuing of the Writs for the next General Election of Members to serve in the General Assembly of this Island, and no longer.

Act to continue in force until next General Election of Members of Assembly.

C A P. X X X I I .

An Act to naturalize James Searle Mann.

[*Passed April 17th, 1855.*]

WHEREAS James Searle Mann intends taking up his permanent residence or domicile within this Colony, and is therefore desirous of being naturalized, and has given satisfactory assurance that he is willing to assume all the duties and responsibilities which may attach to him in the character of a good and faithful subject of our Lady the Queen :—

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that he, the said James Searle Mann, so soon after the passing of this Act as he shall take and subscribe the oath of allegiance to Her Majesty Queen Victoria and her successors, in manner prescribed in and by this Act, shall, within the limits of this Island, be and become, and be held and adjudged to be, a naturalized subject of Her Majesty, entitled to all the rights and privileges of such subjects as fully as the same rights and privileges can or may be conferred by the Legislature of this Island, and under or by virtue of the Act of the Imperial Parliament passed in the tenth and eleventh years of Her Majesty's reign, intituled " an Act for the naturalization of Aliens. "

After taking oath of allegiance, &c, James Searle Mann to become a naturalized subject and entitled to privileges belonging to subjects, &c.

Oath of allegiance to be subscribed in duplicate before Judge in open Court.

II. The said James Searle Mann shall take and subscribe in duplicate the oath of allegiance before a Judge of the Supreme Court, in open Court, who shall attest the same.

Copy of oath to be filed by the officer of the Court on payment of his fee;

and the duplicate transmitted to Colonial Secretary's office.

III. One copy of the oath shall be filed by the officer of the Court, who shall receive therefor, and for making the duplicate, the sum of five shillings; and he shall forthwith transmit the duplicate, certified under his hand and seal of the Court, to be filed in the Colonial Secretary's office.

Certificate of oath to be given under seal of the Court, and to be evidence of contents.

Fee for certificate.

IV. The officer shall also give a certificate under his hand and the seal of the Court, that the oath of allegiance has been taken, which certificate shall be evidence of its contents, and therefor he shall be entitled to the sum of five shillings.

Suspending clause.

V. Nothing in this Act contained shall be of any force or effect until Her Majesty's pleasure therein shall be known.

CAP. XXXIII.

An Act to amend the Laws now in force relating to the sale by License of Spirituous Liquors.

[Passed 17th April, 1855.]

Preamble.

WHEREAS it is found necessary to amend the Act passed in the sixteenth year of Her present Majesty, intituled "an Act to alter and add to the Act regulating the retail of Spirituous Liquors," which provides that no Tavern License shall be granted until first recommended by the Grand Jury of the County, and which recommendation must by law be made

by a majority of the twenty-four Grand Jurymen who may be summoned to attend the respective County Courts :—

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that in future, in order to obtain a Tavern License, it shall be sufficient that the same be recommended by a majority of the Grand Jurors who may be in attendance ; but in all other respects the provisions of the herein recited Act shall be complied with.

16 Vic, cap 10. Recommendation of majority of Grand Jurors necessary to obtain Tavern License, in addition to other requisites.

II. Any person or persons not keeping an Inn or Tavern, but who shall obtain a license for the sale of fermented or distilled spirituous liquors by retail, in less quantities than one quart, under the Act made and passed in the ninth year of the reign of Her present Majesty, intituled “an Act to consolidate the several Acts regulating the sale by license of Spirituous and other Liquors,” and who shall suffer any such Liquor sold by him, her or them, to be drank in his, her or their store, house, shop, booth, or other premises, shall forfeit and pay for the first offence the sum of five pounds, and for every subsequent offence the sum of ten pounds, to be recovered with costs in way and manner as directed by the fourteenth and eighteenth sections of the last herein recited Act; but all persons who shall have obtained licenses to sell or retail spirituous liquors before the passing of this Act as aforesaid, shall, and may continue to sell and retail the same until the expiration of the term for which such license may have been granted.

Penalty on person not keeping tavern, &c, who obtains license to sell spirituous liquors in less quantities than one quart, allowing liquor sold by him to be drank in his store, &c.

Mode of recovery of penalty.

Persons having obtained license previous to this Act may continue to retail until the expiration of the license, &c.

III. This Act shall continue and be in force so long as the Acts of which this is an amendment shall be in force, and no longer.

Continuance of Act.

CAP. XXXIV.

An Act to Incorporate the Town of
Charlottetown.

[Passed April 17th, 1855.]

Preamble.

Incorporates
inhabitants,
&c. of Char-
lottetown and
Common under
name of "City
of Charlotte-
town,"

with perpetual
succession,
common seal,
&c.

General powers
of Corporation.

WHEREAS, for the better protection, care and management of the local interests of the inhabitants of the Town of Charlottetown, and for its Municipal Government and improvement, it is expedient that the said Town be incorporated:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say: That the inhabitants of the said Town of Charlottetown and Common, and their successors, inhabitants of the same, from and after the passing of this Act, shall be, and they are hereby constituted a Body Corporate and Politic, in fact and in name, by and under the name, style and title of the City of Charlottetown, and as such shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of causes, actions and matters whatsoever; and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates; and of granting, selling, alienating, assigning, demising and conveying the same; and of entering into, and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments, or other instruments or securities for the payment, or securing of the payment, of any money borrowed or lent, or for the performance, or securing the performance, of any other duty, matter or thing whatever;

and to do and execute all acts, and possess and enjoy all powers and immunities incident to such a Corporation, or which may be for the benefit and advantage thereof, subject to the regulations hereinafter provided.

II. For the purposes of this Act the said City of Charlottetown shall be, and hereby is divided into five Wards, to be called respectively the First, Second, Third, Fourth and Fifth Wards; and which said Wards shall be divided, bounded and limited as follows, that is to say:—Number One shall comprise all that part of Charlottetown which lies south of Dorchester street. Number Two shall comprise all that part of Charlottetown which lies south of Richmond street, and north of Dorchester street. Number Three shall comprise all that part of Charlottetown which lies south of Grafton street, and north of Richmond street. Number Four shall comprise all that part of Charlottetown which lies south of Fitzroy street, and north of Grafton street. Number Five shall comprise all that part of Charlottetown which lies north of Fitzroy street, including the Common of the said Town.

City divided into five Wards.

Extent, &c, of Wards.

Ward No 1.

Ward No 2.

Ward No 3:

Ward No 4.

Ward No 5.

III. The administration of the fiscal, prudential and municipal affairs, and the government of the said city, shall be vested in one principal officer, who shall be, and be styled the Mayor of the City of Charlottetown, and ten persons who shall be, and be styled Common Councilmen of the City of Charlottetown, to be severally elected as hereinafter provided; and such Mayor and Common Councilmen for the time being shall be, and be called the Council of the said City; and all bye-laws made by the said City Council shall express to be enacted by the City Council of the City of Charlottetown.

Administration of city affairs, &c, to be vested in Mayor and ten Common Councilmen, to be called the Council of the city.

By whom bye-laws made by the city Council shall express to be enacted.

City Council to elect annually three Assessors for the city.

IV. The City Council shall annually elect and choose for the said city from persons possessing similar qualifications to the Common Councilmen, three persons to be called the Assessors for the said city.

Manner in which the first election under this Act of Mayor and Councilmen is to be made.

Sheriff, within twenty days after passing of Act, to appoint and give public notice of a day and place for election,

and conduct election agreeably thereto.

Qualification of voters.

V. The first election, after the passing of this Act, of the Mayor and Common Councilmen of the said corporation, shall be conducted and made in manner following, that is to say: The Sheriff of the County of Queen's County, by himself and his sufficient Deputy or Deputies by him named for that purpose, shall, within twenty days after the passing of this Act, appoint a day and place for the election of a Mayor for the said city, and two persons to serve in the City Council for each Ward, whereof he shall give notice in the public newspapers published in Charlottetown, and by advertisements in the several Wards, for ten days previous thereto, and shall, agreeably to such notice, conduct such election; and all the male inhabitants of the age of twenty-one years and upwards, who shall have resided in the said city for at least one year then next preceding, and being British subjects, and each of whom shall actually and within the Ward for which he shall vote, then be and for two months previously shall have been, actually and in his own right *bona fide* owner of the freehold of one whole town lot, common lot, water lot; or the *bona fide* owner of a piece of ground of the yearly value of five pounds; or the *bona fide* owner of the freehold of a dwelling house, part of a dwelling house, store, warehouse, office or shop, of the yearly value of five pounds; or who shall be in the tenancy or occupancy of a town lot, common lot, water lot, or piece of ground, dwelling house, part of a dwelling house, shop or warehouse, of the annual rent of five pounds,

payable quarterly, half-yearly or yearly; and no other person shall be entitled to vote at said elections for such Mayor and Councilmen in the said Wards respectively; and that the Sheriff, in case no scrutiny be demanded, shall immediately return to the office of the Secretary of the Island the names of the persons having the majority of votes at the said election of Mayor and Common Councilmen; and the said Secretary, by the authority of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, shall cause the said return to be published in the next *Royal Gazette*; and the persons so returned by the Sheriff as having the majority of votes shall be deemed and held the Mayor of the City and the Councillors for the said Wards respectively; and all the necessary expenses incurred for holding the said first election of Mayor and Common Councilmen shall be paid out of the City funds. Provided always, that all the said first elections of the Mayor and Councillors shall take place on the same day and hour in all the several Wards; and the said first election of Mayor and Councillors shall be conducted by open voting in public, in manner practised in the election of Members of the Assembly; and that any person whose right to vote thereat shall be questioned at the time of offering his vote, shall take the following oath before the Presiding Officer, who shall receive or take down his vote, which oath the Presiding Officer is hereby authorised to administer, that is to say:—"I do solemnly swear that I have resided in the City of Charlottetown for one year now next preceding, and that I am of the age of twenty-one years, and am a British subject, and am duly qualified to vote at this election within this Ward;" and the Presiding Officer, before administering the said oath, shall distinctly read over the qualification required

Sheriff, if no scrutiny be demanded, to return at once to Secretary's office the names of persons having the majority of votes.

Secretary, by authority of Lt Governor, to publish return in next *Royal Gazette*.

Persons returned to be deemed the Mayor and Councillors, &c.

Expenses of first election to be paid out of City funds.

First election of Mayor and Councillors to be held at same time in all the Wards.

Votes to be given in public, &c.

Oath to be taken by person whose right to vote is questioned,

before Presiding Officer, &c.

Form of oath.

Presiding Officer to read over qualification to elector before

administering
oath,

and mark same
in his book.

How long elec-
tions shall con-
tinue open, &c.

At close of poll
majorities to be
declared, and if
a scrutiny be
demanded, offi-
cer to note
same in his
book.

How scrutiny to
be conducted
and determin-
ed.

No vote to be
scrutinized ex-
cept those
marked as
sworn.

Scrutiny to be
proceeded with
on day after
election, and
day by day
thenceforth,
&c, except
Sundays, &c.

No scrutiny to
engage more
than 2 days.
Sheriff, on close
of scrutinies to

by this Act for every such person so claiming to vote, to such person so claiming, and also shall mark every such oath as having been sworn on his book; and provided that the said elections shall continue open not longer than one day; and shall be closed at 5 o'clock in the afternoon, unless previously closed by proclamation, when a vote shall not have been polled for an hour; and the Presiding Officer shall, at the close of each election, declare the majorities; and in case any person who had voted at the same election shall then publicly demand a scrutiny of the election of the Mayor, or of any one or more of the said Councillors, the Presiding Officer shall note such demand in his book, and every such scrutiny, if persevered in, shall be finally determined by the judgment of the Mayor and Councillors elect, whose elections are not disputed, and who shall have power to hear witnesses on oath, and if the Mayor's election be disputed or contested, or in the absence of the Mayor, to appoint a chairman, with right to vote; and if need be, give a casting vote; and if any of the said Councillors shall not attend, the remainder of the Councillors shall act; but if three cannot be procured, then the said High Sheriff, associated with any two of them, or any two of the other Presiding Officers, shall hear and determine such scrutiny as aforesaid. Provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutinies shall be proceeded in on the day next after the close of the said elections, and thenceforth day by day, Sundays, Good Friday and Christmas day excepted, until all the said scrutinies in rotation, if more than one, shall be determined, no one scrutiny being allowed to engage more than two days, and the Sheriff shall immediately, on the close of all the said scrutinies, make return to the Secre-

tary's office of all the said elections as aforesaid, and shall therein be governed by the decisions made on the said scrutines; and the said return shall be published, and the further proceedings hereinbefore provided shall hereafter be had, as in cases where no scrutiny occurred.

make return to Secretary's Office.

Returns to be then published, &c. as in other cases where no scrutiny occurred.

VI. On the first Tuesday in August, in the year of our Lord one thousand eight hundred and fifty-six, and on the same day in every succeeding year, five of the Councillors shall go out of office, one being for each Ward, according to the rule hereinafter contained and prescribed. Provided that at the last quarterly meeting next before the said first Tuesday in August, in the year of our Lord one thousand eight hundred and fifty-six, the Mayor and Councillors shall determine by lot which shall go out of office for that year; but thenceforward in all future years those persons who shall have been Councillors the longest without re-election shall vacate their seats, and in all cases of doubt the Mayor and Councillors shall determine by lot who shall vacate his seat for that year.

Five Councillors to go out of office annually on the first Tuesday in August, one for each Ward.

Regulations for determining which of the Councillors shall so vacate their seats, &c.

VII. The Mayor, Councillors and Assessors shall, before entering on the duties of their offices respectively, be sworn by taking and subscribing the oath of allegiance and oath of office; and such oath shall be administered to the Councillors and Assessors by the Mayor, being himself first sworn as aforesaid before one of the Judges of the Supreme Court, and a certificate of such oaths having been taken shall be entered by the City Clerk on the City minutes, and the said oaths of office shall be in the following form:

Mayor, Councillors, &c. to take oaths of allegiance and of office.

Oath to Councillors and Assessors to be administered by the Mayor. Mayor to be sworn before a Judge of Supreme Court. Certificate of oath to be entered by the City Clerk on City minutes, &c.

“I, A. B., do swear that I am duly qualified, as required by law, for the office of
to which I have now been elected or ap-

Form of oaths of office.

pointed, and that I am seized or possessed, for my own use, of freehold (*or leasehold estate, or both,*) in the City of Charlottetown, over and above all legally recorded incumbrances, of the value of _____ and have paid all rates and taxes therefor to the amount of _____ (*as the office may be*), and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be appointed or elected to the said office, or any other office in the said City; and I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of _____ while I hold the same.

“So help me God;”

How blanks in form of oath to be filled up, &c.

and into which oaths shall be filled in the foregoing blanks, before being sworn to, the title of office, and the amount or value and description of the qualification of the officer taking the oath as required by this Act.

No person in holy orders, &c. qualified to be elected Mayor or a Councillor.

VIII. No person being in holy orders or being a minister or teacher, duly licensed by any denomination of Christians in this colony, shall be qualified to be elected Mayor or a Councillor of the said City, nor shall any one be qualified to be elected Mayor of the said City who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said city, of the value of five hundred pounds, over and above all legally recorded incumbrances; nor shall any person be qualified to be elected a Councillor of the said city who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said City, to the amount of two hundred pounds, over and above all legally recorded incumbrances, or who shall not be in the possession, use

Qualification of Mayor.

Leasehold or freehold property in City worth £500, &c.

Councillor to possess freehold or leasehold property, &c. in City worth £200.

or occupation of premises in the City, of the yearly rent of, or assessed at forty pounds per annum; nor during such time as such person shall hold any office or place of profit in the gift or disposal of the said Council, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with or on behalf of the Council. Provided that no person shall be disqualified from being a Councillor as aforesaid, by reason of his being a proprietor or shareholder of any Company which shall contract with the Council for lighting or supplying with water or insuring against fire any part of the said City.

or be in occupation, &c, of premises paying yearly rent of £40, &c.

Person holding any office in the gift of the Council cannot be a Councillor, nor any person having contract with the Council.

Proviso.

IX. The Mayor and Councillors of the said City of Charlottetown, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons only as shall be qualified in the terms of this Act, as hereinbefore prescribed. Provided always, that when and so soon as any rate or rates, assessment or assessments, shall be made by and under the authority of this Act, no inhabitant of the said City shall be entitled to vote at the election of Mayor or Councilmen, as aforesaid, unless he shall have been rated to, and in respect of, the rates or assessments laid as aforesaid; and shall have paid all his rates and assessments, which fall due one month before the time of such election, of which payment the evidence shall be the receipt of the City Treasurer, produced at the time of voting, and then lodged with the Returning Officer at any such election.

Mayor and Councillors to be chosen by a majority of votes of persons qualified.

After rates, &c, have been made under this Act no person shall vote unless he shall have been rated to such rates, &c,

and have paid all assessments, &c, due one month before election.

Receipt of City Treasurer to be evidence of such payment, &c.

X. On the first Tuesday in August, which will be in the year of our Lord one thousand eight hundred and fifty-six, and on the same day in every succeeding year, the inhabitants

On first Tuesday in August, 1856, and thereafter on same day annu-

ally, inhabitants of City to assemble and elect a Mayor and Councillors to fill up places of those going out of office.

Mayor in office at election to continue in office until his successor be elected, &c.

Election of Mayor and Councillors on and after first Tuesday in August, 1856, to be held at convenient places in the several Wards before certain Councillors appointed by the Mayor, &c, &c,

or by the Councillors in case there be no Mayor.

Hour of opening and closing poll at an election.

Names of electors to be written in poll lists, &c.

At close of poll number of votes given to be declared, and per-

of the said City, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect, from the persons qualified as this Act requires, a Mayor for the said City, and such and so many fit and proper persons to be City Councillors, for each of such Wards respectively, or so many as shall be required to supply the places of those who shall then go out of office; and the Mayor in office at the time of such election shall remain in office until another be elected in his stead, or until himself be re-elected.

XI. The election of a Mayor and Councillors, to be had as aforesaid, on the first Tuesday in August, which will be in the year of our Lord one thousand eight hundred and fifty-six, and all subsequent elections of a Mayor and Councillors to be had under the provisions of this Act shall, after notice as hereinbefore prescribed in regard to the past elections, be held at convenient places in the said several Wards of the said City, and shall respectively be held by and before such of the Councillors of the said City as may be appointed by the Mayor of the said City for the time being, or, in case of vacancy in the office of the Mayor, by the Councillors of the said City.

XII. At all elections of a Mayor and Councillors as aforesaid the poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day; and the name of each elector voting at such election shall be written in poll lists, under appropriate heads, to be kept at such election by the officer or person holding the same; and after finally closing the poll at any such election, the officer or person by whom the same shall be held shall forthwith proceed pub-

licly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favor to be duly elected as aforesaid; and if there should be at the final closing of the poll as aforesaid an equal number of votes polled for two or more persons, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the poll list kept at such election shall, by the officers or persons holding the same, be delivered within three days after the conclusion of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, on the payment of a fee of one shilling;—provided that, in case of a scrutiny being demanded, every such scrutiny, if persevered in, shall be finally determined by the City Council, by the judgment of the Mayor and Councillors elect, or any three of them whose elections are not disputed, and who shall have power to hear witness on oath; and in the event of the Mayor's election being disputed, or in the absence of the Mayor then in office, to appoint a Chairman, with right to vote, and, if need be, to give a casting vote,—provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said elections, and thenceforth, day by day, without intermission (Sundays, Christmas Day and Good Friday excepted); until all the said scrutines, in rotation, if more than one, shall be determined; no one scrutiny being allowed to engage more than two days,—and

son having majority to be declared elected.

Where two or more candidates poll an equal number of votes, officer holding election may give casting vote.

Poll lists to be delivered to City Clerk, &c.

How a scrutiny, if demanded and persevered in, is to be conducted and determined.

No vote but those marked "sworn," shall be scrutinized.

No scrutiny to occupy more than two days.

Returning Officer to make return to City Council of all elections after the first election, to be published.

provided also that the Returning Officer shall, in the case of all after the first election, make the same returns to the City Council as is hereinbefore directed to be made by the Sheriff to the Secretary's Office in the case of the first election, and the City Council shall thereupon in every case publish such returns immediately thereafter.

Presiding Officer empowered to preserve order, &c, and suppress tumults,

XIII. It shall be the duty of the Presiding Officer, at any Ward meeting for the election of officers, or for any other purpose now or hereafter to be appointed, and they shall, and are hereby declared to have full power and authority to preserve order and decorum, and to suppress all riotous, tumultuous and disorderly conduct therein; and for that purpose to call to his aid any constable or other peace officer, and also to command the aid and assistance of any person or persons who may be present; and any peace officer or other person neglecting or refusing to afford such assistance shall be taken and deemed to be guilty of a misdemeanor; and such Presiding Officer shall, for the time being, have the power and authority of a Justice of the Peace, and shall have authority to cause any person or persons who shall be guilty of any riotous, tumultuous or disorderly conduct at any such meeting, to be taken into custody and committed to Jail,—provided, however, that such imprisonment or restraint shall not at any time continue more than forty-eight hours after the adjournment or dissolution of such meeting; and provided further that the person so guilty of such disorderly conduct shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

and to call constables, &c, to his aid in so doing.

Any person refusing such aid, &c, guilty of a misdemeanor.

Presiding Officer to have powers of a Justice of the Peace, and authority to order disorderly parties into custody, &c.

Imprisonment of offenders not to exceed 48 hours after close of proceedings, &c.

Disorderly person still liable to same punishment as if he had not been arrested.

XIV. Persons entitled to vote at the election of a Mayor and Councillors, as aforesaid, shall and may vote in any and every Ward in which they may respectively be qualified.

Persons entitled to vote for Mayor and Councillors may vote in every Ward in which they are qualified.

XV. Every person desirous of voting at any election of a Mayor or Councillors, shall, before he be permitted to vote, if required by the candidate or his representative, make oath to the particulars of his qualification, and that he has not before voted at such election in manner hereinbefore provided; which oath the officer or person holding such election is hereby authorised and required to administer, and which oath shall be in the form following, that is to say:—

Person desirous of voting may be sworn to qualification, and that he has not voted before, &c.

Presiding officer to administer oath, &c.

“I, *A. B.*, do solemnly swear that I am a British subject; that I have resided in this City for one year now next preceding, and am qualified by law to vote at this election, and have not voted before at this election within this Ward.

Form of oath.

“So help me God.”

And in every case the Presiding Officer shall note in the poll book that the voter was sworn, and which of the said qualifications, and the nature of the tenure he swore to.

Presiding Officer to note oath, &c, in poll book.

XVI. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

Person who shall knowingly swear falsely in taking any oath under this Act, guilty of perjury, &c.

XVII. All officers of the City who, by the provisions of this Act, shall go out of office, shall be capable of immediate re-election, if then qualified as required by this Act.

City officers going out of office may be re-elected, &c.

Person elected Councillor for more than one Ward to make his option within 3 days, or Mayor to declare for which Ward he shall serve.

New election to be held in Ward for which Councillor not elect to serve.

On 2d Tuesday in August, annually, &c. Mayor and Councillors to elect two Auditors.

Duties of Auditors to be defined by the bye-laws of the Corporation. Period during which Auditors are to continue in office. No member of City Council, &c. to be elected Auditor, &c.

How extraordinary vacancies in the office of Mayor or Councillor are to be filled up, &c.

XVIII. If, at any such election of a Councillor or Councillors, as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall, within three days after notice thereof, make his option, or on his default the Mayor of the said City shall declare for which of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward, and in no other; and another election shall thereupon be held in the Ward for which such person shall not elect to serve, as in other cases of extraordinary vacancies.

XIX. On the second Tuesday of August, in the year of our Lord one thousand eight hundred and fifty-five, and in every succeeding year, or as soon thereafter as the returns of the Mayor and members elect shall be complete, the Mayor and members of the said Council shall elect, from persons qualified to be Common Councilmen, by a majority of votes, two persons who shall be called Auditors of the said City of Charlottetown, whose duties shall be defined by the bye-laws of the said Corporation; and every such Auditor shall continue in office until the second Monday in August, in the year following his election. Provided always, that no member of the said Council, nor the Clerk, nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

XX. If an extraordinary vacancy shall occur in the office of Mayor or Councillor of the said City, after the first election of such officers to be had as aforesaid, the persons qualified to vote shall, on a day to be fixed by the Mayor or a majority of the Councilmen (such day not being later than ten days after such vacancy), elect from the persons qualified to fill such office

another person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings be conducted in the same manner, and subject to the same provisions as are hereinbefore enacted with respect to the elections of the like officers to be had as aforesaid; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen would, in the ordinary course, have gone out of office, when he shall go out of office.

Person elected to fill vacancy to hold office until such period as his predecessor would have gone out of office.

XXI. Every person duly qualified, who shall be elected or appointed to the office of Mayor, Councillor, Auditor or Assessor of the said City, shall accept the office to which he shall have been so elected or appointed, or shall, in default thereof, pay to the Treasurer of the said City, to and for the use of the said City, a fine as follows, that is to say: for the non-acceptance of the office of a Councillor, a fine of five pounds; for non-acceptance of the office of Auditor or Assessor, a fine of five pounds; and for non-acceptance of the office of Mayor, a fine of twenty pounds; and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person appointed, unless such person shall make oath before the Mayor, who is hereby authorised to administer such oath, that he is not possessed of the qualification for the office required by this Act, in some particular or particulars, to be stated in such oath; and every such fine, if not duly paid, shall be levied under the authority of the warrant of any Justice of the Peace having jurisdiction within the said City, who is hereby required, on the application of the said Council of the said City, to issue the same by distress and sale of the goods and chattels of the person so refusing to accept such office; with the

Person elected Mayor or Councillor, &c, refusing to serve to pay a fine as follows:

Councillor £5.

Auditor or Assessor £5.

Mayor £20.

Election *prima facie* evidence of qualification &c.

Mode of recovering fine, &c.

Acceptance of office to be by taking oath of allegiance and of office within 2 days after notice of election, &c. or otherwise, becoming liable to fine, &c.

Office to be then deemed vacant and a new election held.

No lunatic, &c. to be liable to fine, &c.

What persons are exempt from accepting or serving in City offices, &c.

Claim for exemption to be made within 5 days after notice of election.

Naval and military officers, members of Legislature, and certain others, not bound to take civic office.

What acts shall disqualify person holding office of Mayor or Councillor,

reasonable charges of such distress; and every person so elected shall accept such office by taking the oath of allegiance and oath of office hereinbefore mentioned, within two days after the notice of his election; and in default thereof shall be liable to pay the fine aforesaid for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed. Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to such fine as aforesaid; and provided also, that any person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election; and provided also, that no military, naval or marine officer in Her Majesty's service, in full pay, nor the members of the Legislature of this Island, nor the members of the Executive Council, nor the Surveyor General, the Adjutant General of the Militia, the Colonial Secretary, clerks in public, civil or military departments, the Postmaster General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the Clerks and Commissioned Officers of the Legislative and of the Executive Council, practising Attornies and Schoolmasters, shall be held or bound to accept of any such office as aforesaid, or any other office in the said City.

XXII. If any person holding the office of Mayor or Councillor shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall com-

pound by deed with his creditors; or, being Mayor, shall be absent from the said City for more than two calendar months, or being a Councillor, for more than three months at one and the same time, unless in case of illness, then and in every such case such person shall immediately become disqualified, and shall cease to hold the office of Mayor or Councillor as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office, unless such absence be by leave first obtained from the City Council.

&c, from continuing therein.

Person holding office of Mayor or Councillor absenting himself from City without leave &c, liable to a fine, &c.

XXIII. The said Mayor and Councillors, for the time being, shall, during their continuance in such office, be and be deemed within the limits of the said Corporation Justices to keep the peace in and for the said City, and shall have, use and exercise the same and the like powers and authorities as if they were nominated and commissioned Justices of the Peace in and for the said City. Provided they shall first take and subscribe the oaths by Law required for Justices of the Peace; and provided, nothing in this Act contained shall be construed to give them authority as Justices of the Peace over the County or beyond the said limits;—and provided also, that nothing herein contained shall be construed to affect the jurisdiction without the limits of the said City of Justices of the Peace for the County of Queen's County, now or hereafter to be appointed, except as hereinafter excepted.

Mayor and Councillors within limits of Corporation, empowered to act as Justices of the Peace, &c.

To take oath appertaining to office of Justice of the Peace.

This not to affect the jurisdiction of other Justices of the Peace without the City, with certain exceptions.

XXIV. There shall be paid from and out of the moneys belonging to the said City to the said Mayor for the time being, in lieu of all fees and perquisites, a salary not exceeding one hundred pounds currency per annum.

Mayor to receive £100 per annum out of City funds.

XXV. It shall be lawful for the said Council of the said City, from time to time, as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City; and another fit and proper person, not being a member of the said Council, and not being City Clerk, to be Treasurer of the said City; a City Marshal, or High Constable of the said City, and one or more Constables for each Ward, and which said City Marshal, or High Constable, and Constables respectively, shall be duly sworn before the Mayor to the due execution of the duties of their office, and have all the power and authority vested by law in any Constable of the County of Queen's County; one or more fit person or persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City, Harbour Master, Wharfinger or Wharfingers of the public Wharfs, and one Surveyor of Highways, Streets or Bridges; and one or more Collectors of Rates for said City; one or more Pound-Keeper or Pound-Keepers for said City; and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other officer, as they shall think proper, and shall and may grant and alter in each and every year to the City Clerk or other officers to be appointed as aforesaid, such salary, allowance or other compensation for their services as they may think fit. Provided that no person shall be capable of acting as City Treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his

City Council to appoint a Clerk.

Also a City Treasurer.

City Marshal, &c.

And Constables for each Ward.

City Marshal and Constables to be sworn before the Mayor, &c.

Their powers, &c.

Council also to appoint Clerks of the Markets, Harbour Master, Wharfingers, Surveyor of Highways, Collectors of Rates, Pound-Keepers, and other officers,

and prescribe their duties, &c,

and remove them at pleasure, &c,

and take security for due execution of their offices, &c,

and settle their salaries.

No person to act as City Treasurer until he has been duly sworn,

office, as hereinbefore prescribed, or until he shall have executed a bond to the City of Charlottetown, with two sufficient sureties, to be approved by the City Council, in such sum as the Council shall prescribe, conditioned for the faithful performance of the duties of his office, in such form as the Mayor may approve, or any bye-law require.

and given security for the faithful performance of the duties of his office.

Form of bond to be approved by Mayor or settled by bye-laws, &c.

XXVI. The Treasurer of the said City shall not pay any moneys in his hand, as such Treasurer, otherwise than upon an order in writing of the Council of the said City, signed by the Mayor, or in his absence, by the Presiding Councillor, and countersigned by the Clerk of the City.

City Treasurer not to disburse any moneys in his hand except on written order of Mayor or Presiding Councillor, countersigned by City Clerk.

XXVII. The said City Treasurer shall receive all rates, taxes and assessments which shall be levied or imposed upon, or payable by the inhabitants of the said City, and shall be entitled to receive such compensation, by way of salary or commission, as the Council of the said City shall from time to time allow.

Treasurer to receive all rates, &c,

and to receive such compensation as the Council may allow.

XXVIII. The Clerk, Treasurer and other officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and also within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorise to receive the same, a true account in writing of all matters committed to their charge, by virtue or in pursuance of this Act, and also of all moneys which shall have been by them respectively received, by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, to-

Clerk, Treasurer and other officers to account to the Council, or any person appointed by it, for all matters committed to them, and for moneys, &c, received, &c.

Money remain-
ing due from
any officer to
be paid to the
Treasurer, &c.

If officer refuse
to account or to
pay over
moneys, &c,
when required,
&c,

Justice of the
Peace for the
County where
offender resides
may issue his
warrant to
bring the offi-
cer before any
two Justices of
the County.

If officer does
not appear, &c,
Justices may
hear case in his
absence,

and if it ap-
pears that any
moneys remain
in officer's
hands, may
issue their war-
rant to levy
same on his
goods, &c,

gether with proper vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorise to receive the same; and if any such officer shall refuse, or wilfully neglect to deliver such account, or the voucher relating to the same, or to make payment as aforesaid; or shall refuse, or wilfully neglect to deliver such account, or the voucher relating to the same, or to make payment as aforesaid; or shall refuse, or wilfully neglect to deliver to the said Council, or to such person as they shall authorise to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers and writings in his custody or power as such officer aforesaid—then and in every such case, on complaint made on behalf of said Council by such person as they shall authorise for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County wherein such officer shall reside or be, such Justice of the Peace shall be, and hereby is authorised and required to issue a warrant under his hand and seal for bringing any such officer before any two Justices of the Peace for such County; and upon the said officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may, and they are hereby authorised and required, on non-payment thereof, by warrant under their hands and seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such officer;—and if sufficient goods and chattels shall not be found to satisfy the said moneys and charges of distress, or if it

shall appear to such Justices that such officer has refused, or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any books, documents, papers or writings which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required, to commit such offender to the common Jail or House of Correction for the County or District where such offender shall reside or be, there to remain without bail until he shall have paid such moneys as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered up such books, documents, papers and writings, or have given satisfaction in respect thereof to the said Council. Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months. Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officers so offending as aforesaid, or against any surety for any such officer.

XXIX. The Treasurer of the said City shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid; and the books containing the said accounts shall, at all seasonable times, be open to the inspection of the Mayor or any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, in the months of January and July in every year, be submitted by such Treasurer to the Auditor elected for the

and if no sufficient goods, &c, or if it appears that the officer refuses to deliver in his account, voucher, &c,

Justice may commit him to the common jail of the County,

until he shall have paid money, given up the books or otherwise satisfied the Council, &c.

No person to be imprisoned more than three months only on account of their being no sufficient distress. Remedy by action against offender, and his sureties may also be pursued.

Treasurer to keep account books, &c.

Same to be open to inspection of Mayor and Councillors.

Treasurer's accounts, vouchers, &c, annually in January and July, to be submitted to

City Auditor and a member of the Council, &c, to be examined and audited.

If account be found correct, Auditor to certify same.

After audit, Treasurer to make out an abstract of his account for the year, and have same printed. Copy thereof may be inspected by any rate payer, &c, on paying a reasonable price, &c.

Majority of members of Council present to determine questions before them.

One-half of the number of Councillors required to make a quorum.

Mayor to preside, or in his absence, any Councillor chosen by the Councillors present. Mayor or Chairman to have a casting vote.

said City as aforesaid, and to such member of the said Council as the Mayor of the said City shall name on the first Monday in January in every year, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited, from the first Monday in January in the year preceding, to the first Monday in July, and from the first Monday of July to the first Monday in January, in the year in which the said Auditor shall have been elected and named; and if the said accounts shall have been found to be correct, the said Auditor shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of January and July in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate payers of the said City, applying for the same, on payment of a reasonable price for each copy.

XXX. In all meetings of the said Council, to be held in pursuance of this Act, the majority of the members present at such meetings shall determine all questions and matters submitted to, or under the consideration of the said Council; provided that the number present at the said meetings be not less than one-half part of the entire number of Councillors composing the said Council; and at all such meetings the Mayor of the said City shall preside; and in case of his absence, such Councillor as the members of the Council so assembled shall choose to be Chairman of any such meeting, shall preside at the same, and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote.

XXXI. There shall be in each year four quarterly meetings of the said Council, which shall be held on such days in each and every year as shall be provided by any bye-law in that behalf; and the said meetings shall not at any one time be held for a longer period than three successive days, in which Sunday, Christmas and Good Friday shall not be included.

Council to meet quarterly, on days appointed by any bye-law.

Meetings not to last longer than three days.

XXXII. It shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and as often as he may deem it proper, after three days' previous notice thereof; and in case the said Mayor shall refuse to call any such meeting, after a requisition for that purpose signed by three or more members of the said Council, it shall be lawful for such three or more members to call a meeting of the said Council after three days' previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members; and in all cases of such special meetings as aforesaid a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, at least three days before such meetings.

Mayor may call special meeting of Council after 3 days' notice.

How special meetings called, if Mayor refuse to call same, when requested by 3 or more Councillors.

Notice of meeting to specify business for which it is to be held, &c, and summons to attend special meeting, signed by City Clerk, shall be left at residence of each member of the Council 3 days before the meeting.

XXXIII. The minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book, to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meetings; and the said minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said meetings shall be held with open doors.

Minutes of meetings to be entered in a book and signed by Mayor or presiding Councillor, and to be open to inspection of rate payers, &c, on paying a fee. Meetings to be held with open doors.

Council may appoint Committees of its members for the better transaction of its business.

Committees subject to controul of Council.

City Council, besides making bye laws for government of the City, &c, may make and alter and enforce laws, &c, for various other purposes, viz:

1st—Regulation of market days, and markets;

sale of meat, hay, lumber, etc;

vegetables, fruit, country produce, etc;

may restrain purchase by hucksters, etc;

regulate measurement of coal, lime, boards, etc;

XXXIV.' It shall be lawful for the said Council to appoint, from and out of the members composing such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers as may, by the said Council, be prescribed; but subject in all things to the approval, authority and controul of the said Council.

XXXV. The said City Council, in addition to the powers specially conferred in this Act, of making bye-laws for the good government of the said City, and the other powers incident thereto, by the provisions of this Act, shall, in the manner hereinafter mentioned, have full power and authority, from time to time, to make, ordain, revise, alter, amend, administer and enforce such laws as they may deem proper for the several purposes following, that is to say:—

First—To regulate and manage the Market or Markets, and to establish and regulate Market Days and Fairs; to regulate the place and manner of selling and weighing butcher's meat, hay, straw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling of all vegetables, fruit, country produce, poultry, and all other articles and things, or animals exposed for sale, or marketed in the open air; to restrain and regulate the purchase of any such things by hucksters and runners, living within the City; to regulate the measurement, length and weight of coal, lime, boards, and other lumber, shingles, laths, cordwood and other fuel, and to impose penalties for light weight or short count or measurement in any thing marketed; to have the exclu-

sive right of regulating weights and measures in the markets, and within the said City, according to the lawful standard; and to seize and destroy such as are not according to the standard; to regulate all the vehicles, vessels, and other things in which anything may be exposed for sale or marketed in any street or public place; to seize and destroy all tainted and unwholesome meat, poultry, fish, or articles of food.

impose penalties for light weight, etc;

regulate weights and measures, etc;

Regulate vehicles, etc, in which anything may be exposed for sale.

Destroy tainted meat, fish, etc.

Secondly—To regulate the loading and unloading of vessels and other craft arriving at the said City; to impose and collect such reasonable dues thereon as may be necessary; to regulate and provide for the erection and rent of wharfs, piers, quays and docks in the said City, and the tolls or wharfage to be paid for vessels or steamboats touching thereat; and to prevent the filling up or encumbering the Hillsborough River or Harbour of Charlottetown, opposite the said City, or impeding the free navigation thereof; and to regulate the ferries connected with the said City. Provided always, that nothing herein contained shall be held or construed to authorise or empower the said City Council to take possession of, grant, sell, transfer or alienate any part or portions of the shores or strand of the river bounding the said City, and extending to low water mark.

2d—Loading, etc, of vessels;

collect dues for wharfage, etc;

prevent the filling up of the river, etc;

City Council not hereby empowered to sell or alienate any part of the shores of the river bounding the City, etc;

Thirdly—To regulate the assize of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate carters, waggoners and cartmen—the price to be paid them for hauling loads in the said City, and the quantity comprising a load.

3rd—Assize of bread;

carters, and price to be charged by them for hauling.

Fourthly—To enforce the due observance of the Sabbath; to prevent vice, immorality and indecency in the streets and other public places;

4th—To enforce observance of Sabbath, and prevent vice, &c;

<p>preserve health &c;</p> <p>prevent cruelty to animals;</p> <p>sale of liquors to children, &c;</p> <p>punish keepers of tippling houses, &c;</p> <p>license places of amusement, &c;</p> <p>prevent gam- bling, &c;</p> <p>punish va- grants, &c;</p> <p>license thea- tres, &c.</p> <p>5th—Establish pounds;</p> <p>restrain run- ning at large of horses, &c;</p> <p>impose dog tax; restrain dogs running at large, &c;</p> <p>remove nuisan- ces, &c, and do other acts to promote clean- liness and health of city;</p>	<p>and to preserve peace, health and good order; and for the prevention or spread of infectious or other diseases; to prevent the excessive beating or cruel and inhuman treatment of animals; to prevent the sale of any intoxicating drink to children, apprentices or servants, without the consent of their legal protectors; to impose pen- alties on the keepers of low tippling houses, visited by dissolute and disorderly characters, where spirituous liquors are not sold to license; to license, regulate or prevent billiard tables, bowl- ing alleys, or other places of amusement; to re- strain or suppress gambling houses, and to enter into them, and to seize and destroy <i>Rouge et noir</i> and roulette tables and other devices for gambling; to restrain and punish all vagrants, drunkards, mendicants and street beggars; to restrain or regulate the licensing of all exhibitions of na- tural or artificial curiosities, theatres, circusses, or other shows or exhibitions for hire or profit, and preserve order and quiet thereat.</p> <p><i>Fifthly</i>—To establish and regulate one or more pounds, and the fees to be taken thereat; and to restrain and regulate the running at large of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same; to impose a tax on owners or harbourers of dogs; to regulate and prevent dogs running at large, and to kill such as are found running at large contrary to law, after public notice given; to abate and cause to be removed all public nuisances; to regulate the construction of privy vaults; to cause vacant lots in central situ- ations, when they become nuisances, to be properly enclosed; to regulate and prevent the erection or continuance of slaughter houses, lime kilns, or other manufactories or trades which may prove to be nuisances—shouting and other unusual noises in the streets and public places; to prevent the injuring or destroying</p>
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of trees, planted within any of the streets or public grounds of the said City; to prevent immoderate riding or driving; to prevent or regulate bathing in the Hillsborough, or any public waters in or near the City.

prevent immoderate riding or driving, and regulate bathing.

Sixthly—To regulate and license owners of livery stables, or other owners of horses or carriages, letting out the same for hire or profit, carters, porters, butchers or hucksters.

6th—Regulate and license livery stables, &c.

Seventhly—To establish and regulate a Police for the said City; to regulate and license victualling houses, and houses of entertainment where spirituous liquors are not sold, within the limits of the said City; and to provide for the proper keeping of any house of refuge, hospital, workhouse, bridewell, or house of correction that may be erected in the said City.

7th—Establish and regulate police, &c; regulate and license houses of entertainment; regulate Hospital, House of Correction, &c.

Eighthly—To establish, erect and preserve, and regulate public cisterns, reservoirs, or other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charge for the use thereof; and to prevent the waste and fouling of public fountains, pumps and wells.

8th—Establish public cisterns, and regulate same, &c.

Ninthly—To prevent or regulate the firing of guns or other fire-arms; to prevent or regulate the firing or setting off of fire-balls, squibs, crackers or other fire-works; to prevent or regulate the keeping or transporting of gunpowder or other combustible, dangerous materials; to prevent or regulate the use of fire, lights or candles in livery or other stables, cabinet-makers' or carpenters' shops, and other combustible places; to regulate the carrying on of manufactories or trades dangerous in causing or promoting fire; and to regulate and require the safe keeping of ashes in proper deposits; to make such bye-laws as they may deem re-

9th—To regulate firing guns, fireworks, &c;

keeping gunpowder, &c;

use of fire, &c, in stables and shops;

dangerous trades, &c;

to make bye-laws for security of inhabitants, to be observed in erecting buildings;

regulate construction and sweeping of chimneys, &c;

prescribe number of fire buckets to be kept by inhabitants, and use of them at fires, &c;
to regulate conduct of inhabitants at fires,

and the pulling down houses thereat, and remunerating the owners, &c;

purchase fire engines and regulate fire companies, &c.

10th—To provide for the security of public property of the City, and improvement thereof, &c.

11th—To prescribe duties of City Officers, &c.

12th—To defray expense of lighting City with gas, &c, and performing

quisite for the security, safety, and advantage of the inhabitants—containing rules and regulations and restrictions, to be observed by all persons in the erection of buildings to be built within the populous parts of the said City; to regulate the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing in any house, manufactory or business, which may be dangerous in causing or promoting fire; to enforce the proper cleaning or sweeping of chimneys; to require the inhabitants of the said City to provide so many fire buckets, and such manner and time as they shall prescribe; and to regulate the examination of them, and the use of them at fires; to regulate the conduct and enforce the assistance of the inhabitants at fires, and the preservation of property thereat; to make regulation for the suppression of fires, and the pulling down or demolishing of adjacent houses, and remunerating the owners thereof; to compel the owners of houses to have ladders leading to, and on the roofs of such houses; to purchase fire engines; and to establish and regulate fire, hook, ladder, and property-saving companies.

Tenthly—To regulate the management and provide for the security of the public property of the said City of every kind; and to provide for the permanent improvement of the said City, in all matters as well ornamental as useful.

Eleventhly—To regulate and prescribe the duties of all officers acting under the authority of the City Council, and the penalties on their default of duty.

Twelfthly—For defraying out of the funds of the said City, if necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and the performing of

any kind of work required for the purpose of supplying the said City with gas, and for obliging the proprietors or occupiers of real property to allow such work to be done, and fixtures placed in or about their premises that may be necessary—such work and fixtures to be done at the expense of the City; and for the erection of all works connected therewith, or necessary to provide a supply of gas for the inhabitants of the said City; and to provide for the erection, preservation and security of lamp-posts, sign-boards and other fixtures, and generally to make all such laws as may be necessary and proper for carrying into execution the powers herein or hereinafter vested in the said City Council, or any department or office therein, subject to the limitation with regard to penalties contained in the next succeeding section of this Act.

work required for that purpose.
To compel owners of property to allow such work to be done, &c, at expense of City.
To defray expense of erecting works, lamp posts, &c, and provide for their security, &c.

And generally to put in execution powers vested in City Council, &c, subject to limitation with regard to penalties, &c.

XXXVI. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make such bye-laws as to them shall seem meet for the good rule, peace, welfare and government of the said City, and for raising, assessing, and recovering, and applying such moneys as may be required for the execution of the powers with which the said Council is hereby invested; and for maintaining in the said City a good and efficient system of Police, in such manner as they may deem necessary, either by imposing tolls and rates, to be paid in respect of any public works, or of any other matter or thing within the said City, or by means of any rate or assessment, to be assessed and levied on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property; or upon the sale of goods by public auction within the

City Council, at a meeting of not less than two-thirds of its members, to make bye-laws for government, &c, of the City.

For raising money, &c, required for City.

For maintaining a sufficient system of Police, &c.
By tolls for public works or by rates on property or owners of property,

or upon sales of goods by public auction.

To enforce same by fine and imprisonment.

City Council not to raise more than £1000, in any one year, by assessment.

If larger amount requisite, application to be made to Lieut. Governor and Executive Council,

who may authorise City Council to raise a further sum not exceeding £250.

Every application for authority to make an increased assessment must be passed by a majority of the City Council present, not being less than six, and signed by them, &c.

Copy of every bye-law to be transmitted to

said City; and to impose, by such bye-laws, such fines, not exceeding ten pounds, and such imprisonment, not exceeding thirty days, as they may deem proper for enforcing the same; and provided that not more money in the whole than one thousand pounds, exclusive of any tax which is now, or hereafter may be imposed for the purposes of education, shall, in any one year, be assessed or levied on, or be collected or raised from the said City by authority of the City Council; and that if, for any purpose, the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Lieutenant Governor or the Administrator of the Government for the time being, and the Executive Council of this Island, for leave to increase such amount, who shall thereon have power, by an order from time to time, on such application to be made and passed, to authorise the City Council to assess or levy on, or collect and raise from the said City a further sum, for the object and purposes expressed in the application of the City Council in that behalf; and which shall be expressed in said order not to exceed two hundred and fifty pounds additional; and provided every such application shall be passed in the City Council by a majority of the Board present on the occasion, and that the number of the members of the City Council then present, who shall have voted for such application being made, shall be at least six; and provided every such member shall have signed in the record of the said City Council's proceedings the resolution passed in favour of making such application, and shall also sign the application to be therefor made to the Governor and Council, as aforesaid. Provided always, that a copy of every bye-law, to be made by virtue of this Act, shall be transmitted with all convenient speed, after

the making thereof, to the Lieutenant Governor of this Island for the time being; and it shall be lawful for the said Lieutenant Governor, by and with the advice of the Executive Council of this Island, within three months from and after the receipt of such copy, to disallow any such bye-law, and such disallowance shall, without delay, be signified to the Mayor of the said City, and thenceforward such bye-law shall be void and of no effect. Provided always, that all bye-laws repugnant to any law of the land, or to any Act of the Legislature of this Island, shall be null and void; and no bye-law shall have any force or effect until after the same shall have been so transmitted as aforesaid, and then approved of, or until after the expiration of the said three months, without disapproval. Provided also, that no bye-law or ordinance of the said City Council shall have any force or effect until the same shall be published, in such manner as the said City Council may direct, as most expedient for general information. Provided always, nevertheless, that no bye-law or ordinance of the said City Council, for the imposition of taxes or tolls upon any goods, produce, or any article or thing whatsoever, manufactured or unmanufactured, brought either by land or water into the said City, or for the limitation of time, place, or manner of the sale thereof, nor upon any cart, carriage, vehicle, boat or vessel, conveying or transporting the same, or used and employed in the carrying, conveying or transport thereof, shall have any force or effect until submitted to and sanctioned by the three branches of the Legislature of this Island.

XXXVII. The several Acts, and the several parts, sections and clauses of any Act or Acts of the General Assembly of this Island now in

Lt. Governor, who is to have power, with consent of Executive Council, within 3 months after receiving copy, to disallow same, &c.

All bye-laws repugnant to laws of Island to be void.

No bye-law to be in force until approved of by Lt. Governor, &c, or until 3 months after transmission, without disapproval, &c, nor until same has been published.

No bye-laws imposing tolls on articles brought into the City, or limiting the sale thereof, &c, to be of any force until sanctioned by the Legislature.

Acts of Assembly now in force, regulating local affairs,

&c, of City to become repealed when Council have made and published bye-laws relating to subject matter of Acts, &c,

and other bye-laws in conformity with this Act, &c.

All moneys arising under Spirit License Act for licenses, fines, &c, within the City, and all other moneys (except those arising under the Education Act and other Acts imposing general taxation, etc.) payable into Treasury in respect of the City, to be paid over to City Treasurer, etc.

force, and in any way or manner relating to, affecting or regulating the local affairs and government of the said City, shall be, and the same are hereby declared to be severally and respectively repealed, when and so soon as the said City Council shall have made and published bye-laws relating to the subject matters contained in the said Acts, or parts, sections, or clauses of the said Acts; and when and so soon as the said City Council shall have made and published bye-laws in conformity with the powers and authorities granted to the said City under and by virtue of the provisions of this Act.

XXXVIII. From and after the passing of this Act all moneys payable into the Treasury of this Island, for the use of Her Majesty's Government, under the Act made and passed in the ninth year of the reign of Her present Majesty, Queen Victoria, intituled "an Act to consolidate and amend the several Acts regulating the sale by License of Spirituous and other Liquors," for or on account of any license or licenses granted to, or fines or penalties incurred by any person or persons resident within the limits of the said City, and all other moneys (excepting always such moneys as are raised and levied by virtue and authority of any Act or Acts of the said General Assembly, imposing an assessment on lands or property of any kind throughout the said Island, or by virtue of any other Act or Acts imposing any tax or burthen of a general nature upon the inhabitants thereof, and save and except any tax which is now or may hereafter be imposed for the purposes of education), payable into the said Treasury, as aforesaid, under any Act or Acts, or parts, sections or clauses of any Act or Acts of the General Assembly of the said Island, relating to, or regu-

lating, or in any way or manner affecting the local matters, affairs and government of the said City, or the inhabitants thereof, or the property, real or personal, of such inhabitants, shall, from and after the passing and during the continuance of this Act, be paid by the Colonial Treasurer into the hands of the Treasurer of the said City, and shall form and become part of the funds and resources of the said City.

XXXIX. The City Council shall appoint a Recorder for the said City, being a Barrister of at least three years' standing, whose duty it shall be to afford legal advice and assistance to the Mayor and Council of the City in the performance of their respective offices; and, when required in the business of the Police or Mayor's Court, to attend all meetings of the City Council, and to assist in hearing and determining cases before the said Court, and take the charge and management of all legal business connected with the affairs of the City; to draft or revise all legal documents required by the City, and to act as Counsel and Attorney for the City in any suits in any Court to which the Corporation may be a party; and the said Recorder shall hold his office during good behaviour, and shall receive a salary not exceeding one hundred pounds from the City funds, in lieu of all fees. Provided that no person shall have any authority to act in, or hold the said office until his election and appointment shall be approved by the Lieutenant Governor, and after such approval, until he shall have been sworn before the said Lieutenant Governor, or in his absence, the Chief Justice, or any other of the Justices of the Supreme Court or the Secretary of this Island, faithfully to perform the duties of his office.

City Council may appoint a Recorder.
Duties of the Recorder.

Recorder to receive from City funds a salary not exceeding £100 per annum.

Appointment to be approved by Lt. Governor, and Recorder to take oath of office before acting.

All City officers to receive fixed salaries, settled by the Council, and pay fees received to the City Treasurer.

XL. All the officers of the said City shall be remunerated by fixed salaries, to be adjusted, settled and fixed, from time to time, by the said City Council, and all fees of any nature or kind which may be paid to or received by any officer of the said City for any act, matter or thing done by him, in virtue of such his office, shall be paid over to the City Treasurer, and form part of the funds of the said City.

Lands, etc, belonging to Government, or to places of worship, etc, etc, to be exempt from taxation under this Act.

XLI. All lands, tenements, hereditaments, goods, chattels or effects, belonging to any ecclesiastical or charitable corporation, or to any church, chapel, or place of public worship, or Her Majesty, her heirs or successors, or the Provincial Government, or any department thereof; and all shares or stock of any Banking or Insurance Company, or other joint stock company owned by any person or persons not resident in the said City, shall be exempt from taxation under the authority of this Act.

Sheriff and Coroner of Queen's County to act also for the City.

XLII. The Sheriff of the County of Queen's County, and the Coroners of the said County, shall be respectively Sheriff and Coroners of the said City.

Jail of Queen's County to be City Jail.

XLIII. The common Jail of the said County of Queen's shall be deemed and taken to be the common Jail of the said City.

All male inhabitants of City, between the ages of 16 and 60 years, not rated under this Act, to pay assessment of four shillings to City funds, in lieu of higher rate payable under Statute Labour Act.

XLIV. Every male inhabitant residing within the limits of the said City, of the age of sixteen years and upwards, and not above the age of sixty, and who shall not be otherwise rated under this Act, and who, by the present law, would be liable to perform Statute Labour, shall be rated and assessed in the sum of four shillings; and the said assessment hereby imposed shall be collected, levied and paid as the

said City Council may direct, and shall form part of the funds of the said City; and all such persons are hereby required and directed to pay the said assessment, in lieu of the sum of five shillings imposed on such persons by the tenth section of the Act made and passed in the twelfth year of the reign of Her present Majesty, intituled "an Act relating to Statute Labour for Charlottetown, its Common and Royalty, and also to nuisances in and about the same."

XLV. The City Council shall have power to borrow the sum of five thousand pounds, for the purpose of improving the streets and squares of the said City, or for the purpose of erecting a suitable market house, or any other public building or buildings, or for any other purpose which, in the judgment of the said Council, may be deemed necessary for, or conducive to the good government and improvement of the City; and in security for the payment of the said sum of five thousand pounds, or any part or portion of the same, shall, and they are hereby authorised and empowered to issue debentures, under the hands of the Mayor and any two members of the said Council, countersigned by the City Clerk, and sealed with the seal of the said City, which debentures shall be as nearly as may be in the form of debentures now used by the Government of this Island; and be made payable to the company, firm, bank, corporation, or any person or persons from whom such money, or any part thereof, shall be borrowed, or to the successors, endorsers, or assigns of any such company, firm, bank, corporation, or of any other person or persons so lending the same as aforesaid, in ten years from the date of issuing such debentures, with interest thereon, to be paid half yearly at a rate not exceeding five per

City Council empowered to borrow £5,000 for improvement of City, etc.

And to issue debentures to secure the repayment thereof.

Form of debentures.

To be payable in 10 years from the date, with interest,

half-yearly, at 5 per cent. per annum, and chargeable upon the City funds, etc.

centum per annum; which debentures and interest shall be chargeable upon all moneys raised under the authority of this Act, and shall be expressed as payable out of the general funds of the City of Charlottetown.

Lt. Governor in Council may reserve, at any public wharf or wharfs in the City, a berth for vessels carrying H. M. mails, to be used for loading, etc.

XLVI. The Lieutenant Governor and Council shall have power and authority to appoint and reserve, at any public wharf or wharfs in the said City, a berth or place for any steamer or steamers, or other vessel or vessels, which may now or hereafter be employed by the Government of this Island to carry Her Majesty's mails; and such steamer or other vessel, while lying at the said Wharf, shall and may use any part of the said wharf or wharfs while landing the said mails, or while unloading or loading any part of the cargo or ballast of such steamers or vessels, or for any other purpose which may be required and deemed necessary by the said Lieutenant Governor and Council—any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Executive powers of Corporation vested in Mayor and Councilmen. Mayor and one Councillor, etc, to attend daily in public office,

to hear criminal offences, etc, cognizable by Justices of the Peace, etc.

XLVII. All the executive powers of the Corporation are hereby vested in the Mayor and Councilmen; and the Mayor and one Councillor, or in the absence of the Mayor, two Councillors shall daily attend in the public office for that purpose to be appointed, and constantly, between the hours of eleven in the forenoon and two in the afternoon, hold a Police Court for the City, and therein hear and determine every criminal offence and prosecution cognizable before one or more Justices of the Peace, and shall perform every act appertaining to the office of Justice of the Peace, necessary for the apprehension, committal, conviction and punishment of criminal offenders, and for carrying into effect the laws in force, and the laws and

bye-laws of the City; and also in a summary manner to hear and determine all assaults and batteries, petty trespasses and 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 County Jail, not exceeding twenty days, or by fine not exceeding in any case the sum of ten pounds and costs of prosecution; and in case of non-payment of the fine and costs, commit the offender to Jail for any time not exceeding two months. Offences shall be prosecuted in every case within two months after commission. No such conviction shall be quashed for want of form, and no warrant of commitment shall be void by reason of any defect therein, so as it be therein alleged that the party has been convicted of some offence therein named. Nothing herein contained shall prevent the said Court from binding persons charged with offences, under recognizance, with sureties, to appear and answer in the Supreme Court of Judicature of this Island; and in no case where the said Police Court shall sentence any party to punishment by fine or imprisonment, or by both, shall any appeal be allowed, except by writ of *certiorari* or *Habeas Corpus cum causa*. The fees to be taken by the said Court for all business done therein shall be the same as those now taken or charged by Justices of the Peace, or in the Court of the Commissioners for the recovery of Small Debts for similar services. Justices of the Peace for Queen's County shall not, within the City, hold or exercise any powers hereby transferred to the City authorities, but may still exercise therein any special authority not so transferred.

Determine assaults, etc., within City,

and punish, on conviction, by fine and imprisonment.

Offences to be prosecuted within two months, &c.

Conviction not to be quashed for want of form, &c.

Court may bind offenders to appear at Supreme Court.

No appeal from sentence of Police Court except by *certiorari* or *hab. cor. cum causa*.

What fees to be taken in Police Court.

Justices of the Peace not to exercise in City powers, &c., transferred to City authorities.

XLVIII. All Appeals from the assessment of rates, authorised and to be made in the City of

How and when Appeals from

assessment of
rules, &c., are
to be made.

Charlottetown, by and under the authority of this Act, or of any other Act of the General Assembly, shall be made to the City Council in the same manner and under the like directions as are now by law provided.

City Assessors
annually, &c.,
to make assess-
ment of prop-
erty in each
Ward.

XLIX. It shall be the duty of the City Assessors, once in each year, at least, or oftener if required so to do, to make, under the direction of the City Council, and upon the requisition of the City Clerk, an assessment of the value of the property in each Ward, and shall return such assessment to the City Council in thirty days after the receipt of the said requisition; and that the said Assessors, or any two of them, to be appointed by the said Council, shall thereupon forthwith proceed to make up the assessment books for the City from the returns of the Assessors, in the manner now required to be done. Provided always, that in making such assessment on real estate, under the authority of this Act, the said assessors shall, and they are hereby required and directed to value such real estate at tenfold the amount of annual rent which such real estate produces at the time of such assessment, or which such real estate would be worth, if leased in its then present state of improvement, for the year next after the time of making such assessment.

Assessment
books for the
City to be made
up from Assess-
ors' returns.

Rules to be ob-
served by As-
sessors in as-
sessing value of
real estate.

Powers of
Council in lay-
ing out and re-
pairing streets,
drains, &c.

L. The said City Council shall have the exclusive power to open, lay out, regulate, repair, amend, and clean the streets and alleys of the said City, and of putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protest the same from encroachment and injury by such bye-laws and ordinances as they may from time to time pass; and for making, levelling, flagging, paving, macadamizing, raising, repairing, lighting,

Macadamizing,
levelling and

watching, planting, and cleaning any of the said streets, squares, lanes, walks, sidewalks, crossings, roads, bridges, wharfs, docks, slips, sewers, and shores now laid out and erected, or being, or hereafter to be, laid out and erected within the limits of the City; and to regulate or prevent the incumbering, injuring, or fouling of the same by any animals, vehicles, vessels, craft, lumber, buildings, or other materials or things, or in any way whatsoever; to regulate the breaking of the roads and streets of the said City in the winter; and to require the owners of horses, sleds and other teams to assist thereat; for directing and requiring the removal at any time of any door steps, porches, railing, or other erections, projections or obstructions whatsoever, which may project into or over any public street, square or road, at the expense of the proprietors or occupants of the real property in or near which such projections or obstructions may be found; for assessing the proprietors of any real property immediately benefitted by such improvements for such sum or sums as may, at any time, be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavements of stone, deal or plank, in any public street, square or place; and for regulating the time and manner in which such assessment shall be collected and paid; and all power and authority vested in the Justices of the Peace for the County of Queen's, or in the Commissioners of Highways for the said County of Queen's, by any law now in force relating to highways in that part of the said County of Queen's incorporated by this Act, shall be vested in the said City Council, who are hereby empowered to carry into effect the provisions of such law. Provided that nothing herein contained shall be construed to extend to authorise the opening

lighting, &c., streets, sidewalks, wharfs, &c.

Prevent the incumbering or injuring thereof by vehicles, vessels, &c.

Breaking winter roads.

Requiring removal of door steps and projections into streets, &c.

Assessing owners of real property for improvements by draining, paving, &c.

All powers possessed by Justices or Commissioners of Highways, under Highway Acts, within the City, vested in City Council.

Not to authorise opening roads through

private property without compensation being awarded under Acts in force providing same.

of any roads and highways through the private property of any person or persons, without complying with the provisions of any Act or Acts then in force, providing for the awarding of damages to any person or persons who may be injured thereby.

All officers, &c., appointed to act, or collect, or expend moneys to be accountable to Corporation.

LI. All boards, commissioners and officers appointed to act under the authority of said Corporation, or entrusted with the collection or expenditure of any public money, shall be accountable therefor to the said Corporation, in such manner as may be ordained and directed by the bye-laws and ordinances of the said City; and the books of account of the said City Corporation, showing the amount, particulars, state and circumstances, and also the receipt and expenditure of, and on account of the property, funds, taxes, effects and fees, belonging and accruing, or payable to the said Corporation, or any of its officers, shall be deposited and kept in the office of the City Clerk; and shall there be opened and exhibited on the first Monday in every month, from the hours of ten o'clock A. M., to four P. M., for inspection and examination by every elector of the City, who may on that day apply to see and inspect the same.

Books of account of City Corporation to be kept in office of City Clerk,

and be open to inspection of electors of the City at certain specified times.

City Council to cause accounts of City to be published, &c.

LII. The said City Council, after the accounts of the said City and Corporation shall be checked, audited, discussed and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such way and manner as may appear the best adapted to make generally known the said accounts.

Councillor may resign his office on paying fine of £5,

LIII. It shall be lawful for any person holding the office of Councillor to resign his said office at any time by a declaration to that effect,

under his hand, and on the payment of a fine of five pounds; and thereupon a Councillor shall be elected in the manner aforesaid for the Ward for which such Councillor so resigning was elected.

and another be elected in his stead.

LIV. Whereas it is deemed necessary to empower the City Council to bind out as apprentices mendicant children, being in the City, and whose parents are unable to provide for them: Be it enacted, that from and after the passing of this Act, whenever it shall be certified by petition to the City Council, under the hands of eight or more respectable householders, that any child or children within the Ward in which such petitioners live have been for a considerable length of time in the habit of begging from house to house, and in the public streets; and shall also at the same time certify that the parents of such children are so poor and destitute as not to be able to maintain them; and that the said children are a burthen on the community, then, and in every such case, if the said Council shall be satisfied of the truth of such petition, it shall and may be lawful for any two Councilmen, within their respective Wards, to bind out such children, being over seven years of age, to any person or persons within this Island, residing in or not more than three miles distant from the City; and such child or children shall remain bound until the age of twenty-one years, or for such lesser period as they may think fit—the said binding to be as effectual to all intents and purposes as if such child were of full age and bound himself or herself; and the person or persons to whom any apprentice may be appointed to be bound, shall receive and provide for such apprentice according to the indenture, to be signed and confirmed by the said two Councilmen so binding out such children.

Preamble.

If it be certified by petition that any child, not less than seven years of age, has been in the habit of begging, &c., that its parents cannot support it, &c.

Then two Councillors, on Council being satisfied of truth of petition, may bind out the child to any person residing not more than three miles from the City.

Period for which child shall remain bound.

Person to whom child may be bound to provide for same according to terms of the indenture, to be signed by the 2 Councillors.

Penalty on person illusing or neglecting, &c., apprentice bound to him hereunder.

Mode of recovery and appropriation of penalty.

LV. If any person shall be guilty of illusing, or neglect to find and provide proper and sufficient clothing and food, and other necessaries, for any apprentice which he or she shall accept, such person shall, on oath being made by one or more credible witness or witnesses before any two Justices of the Peace for the County in which such person shall reside, of such ill-usage or neglect, such person shall forfeit for every such offence a sum not exceeding ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said Justices, and paid into the hands of the City Treasurer as part of the funds of the City.

Nothing herein to affect right of Her Majesty, &c., except where otherwise specially provided for.

LVI. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect, the rights of Her Majesty, her heirs and successors, except in so far as the same may be specially affected by the provisions of this Act.

CAP. XXXV.

An Act for raising a Revenue.

[*Passed April 17th, 1855.*]

WHEREAS it is deemed expedient further to continue and amend the hereinafter recited Act: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

I. The Act made and passed in the twelfth year of the reign of Her present Majesty Queen Victoria, intituled “an Act for raising a Revenue,” save and except such clauses and parts

Continues for one year certain parts of the Act 12 Vic., cap. 10.

thereof as are repealed by subsequent Acts of the General Assembly of this Island, shall be, and the same is hereby continued with certain amendments hereinafter mentioned, for the space of one year from and after the first of May, one thousand eight hundred and fifty-five, and until the second day of May, which will be in the year of our Lord one thousand eight hundred and fifty-six.

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

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

Explanation of 1st column in table of duties.

Explanation of 2d column.

Duties, &c., hereby imposed to be in lieu of all duties imposed by former Act.

Table of Duties.

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

ARTICLES.	1ST COLUMN.			2D COLUMN.					
	Per Centage <i>ad valorem</i> duty on every £100 cur- rency value, per Invoice.			Other Duties.					
	£	s.	d.	£	s.	d.			
Blocks and Deadeyes,	5	0	0						
Boots and Shoes,	10	0	0						
Buffalo Robes,	10	0	0						
Books, being the Reprints of British Authors, under the Imperial Act 11th Victoria, cap. 28,	20	0	0						
Canvas, Sail Cloth and Cordage, Clothes, ready made, namely, Coats, Vests, Jackets and Trowsers,				10	0	0			
Crackers, the cwt.							0	6	6
Cheese, the cwt.						0	8	0	
Coffee, the lb.						0	0	1½	
Chocolate or Cocompaste, the lb.						0	0	1½	
Cigars,	30	0	0						
Cider, per gallon,				0	0	2			
Clocks,	25	0	0						
All wheel machinery and materials for manufacturing, or to be used in the formation of Clocks and Watches,	20	0	0						
Carriages,				10	0	0			
Dye Wood and Dye Stuffs of all kinds,	5	0	0						
Fish, per barrel,				0	2	0			
Flour, wheaten, for every 196 lbs.,				0	5	0			
Fish, (dried), per quintal,				0	1	6			
Jewellery,	10	0	0						
Leather, (of all kinds) per lb.,				0	0	1			
Lard, the cwt.,				0	8	0			
Molasses, per gallon,				0	0	2			
Porter, Ale and Beer, per gallon,				0	0	3			
Pitch, Tar and Rosin,	2	0	0						
Rigging,	2	0	0						
Rum or other distilled Spirituous Li- quors imported into this Island, per gallon,	2	0	0				0	3	0
Sails,									
Spirituous Liquors, on all manufac- tured or distilled in this Island, except from Molasses, per gallon,				0	0	6			

ARTICLES.	1ST COLUMN.			2D COLUMN.			Table of Duties.
	Per Centage <i>ad valorem</i> duty on every £100 currency value per Invoice.			Other Duties.			
	£	s	d	£	s	d	
Spirit'us Liquors from Molasses, per gal.,				0	1	0	
Sugar, refined, per lb.,				0	0	2	
Sugar, brown or Muscovado, per cwt.,				0	6	0	
Tea, per lb.,				0	0	3	
Tobacco, manufactured, per lb.,				0	0	4	
Tobacco, on all manufactured in this Island, per lb.,				0	0	1½	
Watches,	10	0	0				
Sails, Rigging and Ship materials saved from Vessels wrecked on the coasts of this Island—duty pay- able on amount sales—not belong- ing to this Island,	5	0	0				
Ship stores and cargo saved from wrecks, or sold in a vessel stranded, to pay the same duty as in cases of importation. Where a vessel not belonging to this Island is stranded and condemned, or sold whilst stranded, a duty shall be paid on the amount of sales of her hull, rigging and materials, whether she be again got off or be there broken up,	5	0	0				
Wines of all kinds imported into this Island, per gallon,				0	3	0	
In addition to five per cent <i>ad valorem</i> duty,	5	0	0				
Spirits, namely, Brandy, Gin and Cordials, imported into this Island, per gallon,				0	4	0	
Articles manufactured of wood, ex- cept brushes, planes, figure heads and musical instruments, and such articles of which wood forms the principal part, not hereinbefore mentioned,	10	0	0				
On all kinds of goods, wares and merchandise whatsoever, not above enumerated, except as hereinafter mentioned and excepted,	5	0	0				

III. All articles in the following Table shall be exempted from any duty:—

Table of exemptions.

TABLE OF EXEMPTIONS.

Anchors,
 Baggage of Emigrants,
 Books (printed) of all kinds, not prohibited to be imported into the United Kingdom.
 Barrels made of hardwood,
 Blocks, rigging and sails, which may have been used to take any new vessel from this Island to a market for sale, if such blocks, rigging and sails shall be returned forthwith, after the sale of the vessel, direct to this Island, by the exporter thereof, and shall have previously paid or been charged with the duty imposed thereon, by this or any former Act, on the first importation thereof into this Island,
 Chain cables,
 Copper sheathing, rods, bolts and nails,
 Engines (fire),
 Flax,
 Fish, the produce of the fisheries of this Island,
 Gypsum,
 Hemp,
 Implements of husbandry, imported by any Agricultural Society, to be sold or used by such Society,
 Iron (unwrought or pig),
 Lime,
 Timber,
 Manures,
 Oakum,
 Oil (fish), except seal oil,
 Organs and bells, imported expressly for any church, chapel, or sacred edifice in this Island, and intended to be placed therein,
 Stock (live), of all descriptions for breeding purposes,
 Salt,

Seeds of all kinds imported by any Agricultural Society, to be sold or used by the Society,
 Staves,
 Ship Bread,
 Stone lime,
 ——— for building or any public purpose,
 Stone (burr),
 Tallow,
 Teaseis,
 Trees (fruit), plants and shrubs,
 Articles imported by the Lieutenant Governor for his own use,
 Articles imported by Officers of the Garrison for their own use.

IV. The following articles, being the growth and produce of the United States of America, mentioned and enumerated in the Act made and passed in the eighteenth year of the reign of Her present Majesty, intituled “an Act to authorise Free Trade with the United States of America,” to wit: grain, flour, and bread stuffs of all kinds; fresh, smoked and salted meats; cotton wool; seeds and vegetables; undried fruits; dried fruits; fish of all kinds, products of fish, and of all other creatures living in the water; poultry; eggs; hides; furs, skins or tails, undressed; stone or marble in its crude or unwrought state; slate; butter; cheese; tallow; lard; horns; manures; ores of metals of all kinds; coal; pitch; tar; turpentine; ashes; timber and lumber of all kinds, round, hewed and sawed, unmanufactured in whole or in part, firewood; plants, shrubs and trees; pelts; wool; fish oil; rice; broom corn and bark, gypsum, ground or unground, hewn or wrought or unwrought; burr or grindstones; dye stuffs; flax; hemp and tow, unmanufactured; tobacco, unmanufactured; rags; shall be introduced into this Island free of duty, so

Certain enumerated articles, the growth and produce of the United States of America, to be admitted into this Island free of duty during continuance of the treaty relating thereto, made between Great Britain and the United States of America.

long as the Treaty between Great Britain and the United States of America in the said recited Act mentioned, shall remain in force.

V. After the passing of this Act the duty to be levied and paid on Spirituous Liquors manufactured, extracted or distilled in this Island by virtue of the provisions of the said Act of the twelfth Victoria, chapter the tenth, hereby continued, shall be as follows, that is to say: on spirituous liquors manufactured, extracted or distilled from barley or any other grain in this Island, the sum of six-pence per gallon; and on spirituous liquors manufactured, extracted or distilled from molasses, the sum of one shilling per gallon; the aforesaid amount to be in each case paid instead of the duty of eight-pence imposed by the forty-second section of the said last recited Act; and the owner or owners of any distillery or distilleries, or any other person or servant, who, under the forty-third section of the same Act, shall be required to render a just and true account in writing to the nearest Collector of Impost of the quantity of all distilled spirituous liquors manufactured, extracted or distilled by him or them during any quarter last past, shall also in such account state whether the spirituous liquors therein referred to have been distilled from molasses, or from barley, or grain, and how much from each respectively, to be verified on oath, in manner and form as in the same section set forth; and any person wilfully or fraudulently making a false return of the materials from which he has distilled, extracted or manufactured the spirituous liquors mentioned in the return, shall be punishable on conviction in like manner as a person making a return short of the quantity made by him or those employed by him, is punishable, and shall be subject to a like penalty.

Duty on home distilled spirits imposed.

When manufactured from grain to be 6d. per gallon.

When manufactured from molasses to be 1s. per gallon. Instead of 8d., as imposed by 12 Vic., cap. 10, sec. 2.

Owners of distilleries, &c., accounting under 43d section of 12 Vic., cap. 10, to state whether spirits have been distilled from molasses or grain.

Account to be verified on oath.

False account or return, how punishable.

VI. Whereas it is deemed expedient to impose a duty on tobacco manufactured in this Island: Be it enacted, that from and after the passing of this Act, a duty of three half-pence per pound shall be levied and paid on each and every pound of tobacco manufactured in this Island.

Duty of 1½d. per lb. imposed on home manufactured tobacco.

VII. The owner or owners of any tobacco manufactory or manufactories, or other person or persons who shall manufacture any tobacco in this Island, and in case any such manufactory shall be conducted or carried on by any foreman, servant or servants, having the command and management of the same, such owner, master, foreman or servant shall, on the first Monday in January, April, July and October, in each year, during the continuance of this Act, render a just and true account in writing to the nearest Collector of Impost and Excise of the quantity of all tobacco manufactured by him or them for the quarter last past; and shall make and subscribe before the said Collector the following oath, which oath he is hereby empowered to administer:—

Owner, foreman, &c., of tobacco manufactory in this Island to render to the Collector of Excise, quarterly, an account, on oath, of tobacco manufactured by him.

“I, *A. B.*, do swear that the account which I have now rendered and subscribed, contains a just and true account of all the tobacco manufactured by me, or any person or persons under me, since the day of last past.

Form of oath on rendering account.

“So help me God.”

VIII. And the said owner, master, foreman or servant, after making and subscribing the before mentioned oath, shall forthwith pay unto the said Collector of Impost and Excise the amount of duty herein before imposed on such tobacco so manufactured by him during the quarter last past, the said duties to be paid and secured in way and manner, and under like re-

After making such oath, the owner, &c., to pay to Collector the duty due on the tobacco manufactured by him.

Such duty to be paid and secured in same

manner as duties imposed on spirituous liquors when imported.

gulations as duties are payable by this and other Acts of the General Assembly now in force relating to the importation of spirituous liquors.

Person neglecting to make return of tobacco manufactured, or making false return, or refusing to pay duty thereon, liable to penalty.

IX. If any person shall neglect to make such return of the quantity of tobacco so manufactured by him as aforesaid, or shall make a false return of the same, or shall refuse to pay the amount of any such duty as shall then be due as aforesaid, such person shall, for each and every offence, forfeit and pay the sum of one hundred pounds, to be recovered and appropriated in way and manner as directed by the forty-ninth section of the said Act of the twelfth Victoria, chapter the tenth.

Mode of recovering, and appropriation of penalty.

Drawback on tobacco manufactured in this Island, how obtained.

X. No person shall be entitled to a drawback on any tobacco manufactured in this Island, unless the person making the same shall make and subscribe before the nearest Collector of Impost the following oath:—

Form of oath to be taken on applying for drawback.

“I, *A. B.*, do swear that the entire quantity of tobacco shipped by me for exportation on board the ship or vessel called the _____ whereof _____ is master, bound for the port of _____ in _____ was manufactured at the _____ the factory entered by me in the Impost Office for the district of _____ and that the duties of excise, directed to be levied thereon by the laws of this Island, have been actually paid or secured, agreeably to the value in the annexed return, and that I have shewn the kegs or vessels containing the said tobacco to the Officer appointed to examine the same, who has attended to the shipment thereof; and that the same hath been regularly entered at this office; and that neither the whole nor any part of the said tobacco is intended to be fraudulently re-landed, brought back, sold, bartered, exchanged

or consumed in any port or place within this Island, or any of the territories thereunto belonging.

“So help me God.”

XI. The said recited Acts, and all and every Act or Acts of the General Assembly of this Island, now in force, relating to the securing, levying, collecting and recovering the duties granted by the said recited Acts, shall severally be and remain in full force and effect for the purpose of securing, levying, collecting and recovering the duties hereby granted and imposed, and all and every the powers and authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised and applied, and put in execution, in relation to the said duties thereby and hereby granted and imposed, as well during the term hereby limited as after the expiration thereof, for securing, levying, collecting and recovering the said duties, and all arrears thereof and all penalties and forfeitures that may have heretofore been incurred, under and by virtue of any of the herein before recited Acts; and for suing for and recovering of all such penalties which shall have been or may be incurred in relation to the said duties, as fully and effectually, to all intents and purposes, as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things were particularly repeated and re-enacted in the body of this Act, with reference to the said duties hereby or thereby granted and imposed.

Continues in full force certain former Acts, &c., for the purpose of securing and recovering duties hereby imposed, and penalties and forfeitures incurred, &c.

XII. When and so soon as the Lieutenant Governor or other Administrator of the Government for the time being, shall issue his procla-

Certain articles, the growth or production of Canada, Nova

Scotia, New Brunswick and Newfoundland, or of either of them, to be admitted into this Island free of duty, on certain conditions.

mation, declaring that the articles hereinafter enumerated, being the growth or production of this Island, are admitted into the British North American Provinces of Canada, Nova Scotia, New Brunswick and Newfoundland, or either of them, free of duty, on and after the day when such proclamation shall be published, and during the continuance of this Act, the like articles, being the growth or production of Canada, Nova Scotia, New Brunswick or Newfoundland, or either of them, shall be exempted from the duties hereby imposed upon them, and shall be admitted into this Island free of duty (anything in this Act contained to the contrary notwithstanding), when imported direct from the said Provinces, or either of them; provided the same shall not pass through or be imported from any country not reciprocating with this Island, as long as the said articles are admitted into Canada, Nova Scotia, New Brunswick and Newfoundland, or either of them, free of duty, videlicet: grain and breadstuffs of all kinds and descriptions; vegetables; fruits, seeds; hay and straw; animals; salted and fresh meats; butter, cheese; lard, tallow; hides; horns; wool; fish; undressed skins and furs of all kinds; ores of all kinds; iron in pig and blooms; copper; lead in pigs; grindstones and stones of all kinds; earth; coal; lime; ochres; gypsum (ground and unground); rock salt; wood, timber and lumber of all kinds; firewood; ashes; fish oil, videlicet: train oil, spermaceti oil, head matter and blubber, fins and skins, the produce of fish or creatures living in the sea; poultry; eggs; pitch; tar; turpentine; rice; broom corn and bark; dye stuffs; flax; hemp and tow, unmanufactured; unmanufactured tobacco; rags and cotton wool.

Articles enumerated.

Collector of Excise and Con-

XIII. If the importer of any dutiable article at any port or place in this Island shall be

the Collector of Excise or Controller of the Navigation Laws at such port or place, then he shall take the affidavit required to be taken by an importer making an entry, as set forth in the nineteenth section of the Act of the twelfth Victoria, chapter the tenth, hereby continued, before the Justice of the Peace residing nearest to his office or place of business before landing the same, and the said Justice is hereby empowered and required to administer the same.

Controller of Navigation Laws, when an importer, to take the affidavit before nearest Justice of the Peace to his office.

Such Justice empowered and required to administer oath.

XIV. Where any goods or articles shall be imported into the port of Charlottetown in this Island, the person or persons importing the same shall make an entry thereof, as required by the said recited Act of the twelfth year of the reign of Her present Majesty Queen Victoria, chapter the tenth, and shall, at the same time, make and subscribe to a certified account or general summary of such entry, containing in words at length the name of the person importing or making the entry, the name of the ship or vessel to which the entry relates, and of the master thereof, and of the place or country from which she comes, the total amount of duty paid and the date of the entry, in the following form or to the purport and effect, varied to meet the circumstances of the case, that is to say :

Importers of goods, &c. shall, in addition to the entry required by 12 Vic. cap. 10, make and subscribe a certified account or summary of such entry.

Particulars to be contained in such entry.

“ Excise Office, Charlottetown.

“ Entry made this day of

A. D., 18 , by A. B. (*name of importer, &c.*) from on board the (*name of vessel,*) whereof C. D. is master, arrived from (*name of Port from whence vessel comes,*) amount of duty paid (*here set out amount paid for duties,*) A. B., Importer, &c.

Form thereof.

“ I certify that the above is a correct account or summary of an entry made in my office this day of A. D., 18

Collector's certificate thereto.

“ E. F., Collector of Excise.”

After permit to land goods shall have been granted, same to be taken, together with the certified account, and filed in Treasurer's Office.

Treasurer to sign his name on back of permit.

Unlawful to land goods, &c. until permit has been countersigned by the Treasurer.

Returns and accounts of spirits distilled and Tobacco manufactured, &c. shall also be made in duplicate.

Duplicate copies to be signed by Collector and filed with the Treasurer.

After certified account has been filed with the Treasurer, he shall enter a particular account thereof in a book.

When Treasurer and Collector account together, said certified accounts

XV. And after a permit to land the goods or articles comprised in the entry shall have been made out and granted to the person importing or making the entry by the Collector of Impost for the Port of Charlottetown, in the manner and subject to the regulations and restrictions contained in any of the Acts of the Legislature of this Island, now or hereafter to be in force, relating thereto, the person or persons making the entry shall take the said certified account or summary thereof, together with the permit, to the office of the Treasurer of this Island, and there file the said certified account or summary, and the Treasurer shall thereupon sign his name on the back of the permit; and it shall not be lawful for any person or persons to land any goods or articles in the Port of Charlottetown until the said permit therefor shall first have been countersigned by the Treasurer as aforesaid; and the returns and accounts of spirits distilled or extracted, and tobacco manufactured, in this Island, or any other dutiable article, and of the duties to be paid thereon, shall be made with the said Collector of Impost, (where by law they are required to be made with him) in duplicate, and the duplicate copies of such returns and accounts, signed by the said Collector, shall, immediately after the same has been made, be filed with the Treasurer by the person or persons making or returning the same.

XVI. The Treasurer shall, after each certified account or summary of any entry or duplicate, return or account, shall have been filed with him as aforesaid, enter a particular account thereof in a book to be by him kept for that purpose, and shall on every occasion, when the said Collector of Impost for Charlottetown accounts with him as by law directed, produce the said certified accounts or summary of entries, and

duplicate returns and accounts, and check and compare the same with the accounts rendered by the said Collector, and the moneys and securities paid over by him.

and duplicate entries, &c. to be produced, &c.

XVII. When any ship or vessel, having on board any goods liable to duty in this Colony, shall arrive at any port or place therein, although the master, owner or importer shall not wish to land the same, or only a portion thereof, in such port or place, but to carry the whole of the same, or the remaining part thereof to some other port or place in this Island; yet it shall in such case be lawful for the master, owner or importer to enter the whole of the goods and articles, if he thinks proper; and in such the first port of entry or report, to pay or secure the whole of the duties due on the goods or articles entered; and the Collector of Impost for such port or harbour is hereby authorised to grant a permit to land such goods or articles in any other port or harbour in this Island, to be named therein, and shall certify on the back thereof that the duty on the goods and articles named therein has been paid or secured; which permit shall, in the usual manner, be countersigned by the Treasurer, and shall entitle the person to whom the same may be granted to continue on board of the ship or vessel, and to carry away therein such goods and articles, and hereafter to land the same at the port or harbour named in the permit, on producing and giving up the same to the Collector of Impost or other officer, there having authority to receive, collect or protect the revenue at the port or harbour specified in the permit.

Goods may be entered and duties paid or secured thereon at the first port of entry or report, although the same shall not be landed at such port.

Collector of Impost to grant permit to land such goods and articles in any other port in this Island to be named therein.

Permit to be countersigned by Treasurer.

Shall entitle the person to whom granted to carry away goods, &c, and land same at the port named in permit.

XVIII. When any dutiable articles are intended to be transmitted or shipped from one port or place in this Island, by sea or land, to

Articles on which duty has been paid may

be shipped, &c, from one port or place to another

Permit, &c, for that purpose to be granted by Collector of Impost, &c.

Which is to be given up to the Collector of Impost, &c, at the port or place where the goods are landed, &c.

Where owner, &c, of goods on board a ship does not, within a reasonable time after arrival, pay duties, &c, or where owner is absent,

Master may deliver same to Collector for security of duties,

Who shall keep same at risk of owner, &c, until duties and expenses have been paid.

If duties, &c., not paid within 2 months from time of landing, Collector may sell a sufficient quantity to pay same.

another, it shall be the duty of the Collector of Impost, or his Deputy, or the Controller of Navigation Laws, or other person appointed to collect the revenue at the port of shipment, upon application being made by the owner or shipper for such purpose, and he is hereby authorised, if he is satisfied that the duty on said goods and articles has been paid or secured, to grant a certificate thereof and a permit to land the same, which shall entitle the owner or shipper to transmit and land the said goods and articles in the port or harbour specified in the permit, on producing and giving up the permit and certificate to the Collector of Impost or other officer authorised to collect or protect the revenue at the said last mentioned port or harbour.

XIX. It shall and may be lawful for the master of any ship or vessel arriving in any port or place in this Island, having on board any goods, wares or merchandize, and where the owner or consignee does not pay or secure the duties upon such goods within a reasonable time after her arrival in said port or place, or when such importer or consignee is absent from such place, to deliver over such goods to the Collector of Impost for the security of such duties, which Collector is hereby empowered and directed to receive and keep the same at the owner's or consignee's risk, until the duties thereon, together with the expenses and just and reasonable charges for storage and custody, have been paid; and if the duties due and payable on such goods and other amounts and charges aforesaid shall not be paid or secured by the owner or consignee thereof within three months from the time of landing such goods, then and in such case the said Collector is hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the duties due thereon, and also the

freight, charge of custody, storage and expenses incurred by the sale thereof.

XX. If any person shall have dutiable articles on board any vessel arriving in the port of Charlottetown during the continuance of this Act, which he does not intend for home consumption, but intends to re-ship the same for any port out of this Colony, then if he shall make affidavit thereof before the Collector of Excise, in the form or to the effect following, that is to say :

“ I, *A. B.*, do swear that the following goods, to wit: (*Here set out the goods*), are not intended for sale, use or consumption in this Island, or within the bays or harbours thereof, but are for the purpose of being re-shipped therefrom.

“ So help me God ; ”

it shall be lawful for such Collector of Excise to receive charge of the articles, and to allow the same to be landed and placed in some Government warehouse, at the risk of the importer, without requiring the duties therefor to be paid or secured ; and the owner of the articles, at any time within two months after the same shall be so placed in the warehouse, shall be entitled to re-ship the same for any other port out of this Island, on application to the proper officer, and on paying to him the amount of warehouse charges, at the same rate as in other cases in this Act mentioned.

XXI. If the owner of such articles in the last preceding section mentioned shall not re-ship the same within two months from the period of landing and warehousing them, then such articles shall thenceforth be deemed to have been imported for home consumption, and the owner shall thereupon pay the duties payable thereon,

Dutiable articles brought to Charlottetown for re-shipment may be landed in charge of Collector, on making affidavit.

Form of affidavit.

Such articles to be placed in some Government Warehouse at risk of importer.

Owner may re-ship at any time within 2 months on application to proper officer, and on paying warehouse charges, &c.

If such articles be not re-shipped within 2 months, then to be deemed imported for home consumption.

Thereupon duties thereon

and expenses of warehousing to be paid.

In case of neglect within 7 days, goods, &c, or a sufficient part thereof, to be sold to pay duties, &c.

and also pay the expenses of warehousing; and the Collector of Impost or other person in whose charge the same are, shall, if the owner neglect or refuse, within seven days after the expiration of the said period of two months, to pay the duties and expenses of warehousing, and he is hereby authorised, forthwith and thereafter, from time to time, to make sale of the articles, or of a sufficient quantity thereof, to pay the duties and expenses, or so much thereof as shall not be paid or secured.

Before goods intended for export shall be delivered out of custody, the owner, &c, shall make affidavit.

XXII. Before the said goods intended to be exported shall be delivered out of the custody of the person having them in charge, the owner, agent, or consignee, as the case may be, of such goods, together with the master of the ship or vessel wherein such goods are intended to be re-shipped, shall, and they are hereby required to make and subscribe the following affidavit at the Excise Office in Charlottetown, that is to say:

Form of affidavit.

“ We, *A. B.* and *C. D.*, do swear that the following goods, to wit: (*here set out the goods mentioned in the Manifest of the cargo*), of the
made at this Office on the

day of are intended to be re-shipped immediately on board the now lying in the port of Charlottetown, and bound for and that the said goods and packages shall not be used, opened or landed in this Island, or within the bays or harbours thereof, before the duties thereon shall be first paid.

“ So help me God.”

Drawbacks how regulated.

XXIII. Nothing in this Act or the said recited Act of the twelfth Victoria, chapter the tenth, contained, shall entitle any exporter or exporters to a drawback on any less quantity of Wine, Brandy, Gin or Whiskey than fifty gallons; or a

less quantity of Rum or other distilled Spirituous Liquors, or of Molasses, than one hundred gallons; or on a smaller quantity of Tea, than eighty pounds; of Tobacco, than three hundred pounds; of Brown or Muscovado Sugar, than ten hundred weight; of Coffee, or Chocolate, or Leather, than one hundred pounds; nor unless the invoice price of articles shipped at one and the same time, in one and the same vessel, and owned by one and the same person, shall, in the respective cases following, amount as follows, that is to say:—Cordage and Canvas, twenty pounds; Oakum or Tar each, ten pounds; all other goods, wares or articles not enumerated in this section, fifty pounds; nor unless application be made for the drawback to be allowed, and the several proofs requisite for obtaining the same, be made within twelve months, to be computed from the time of re-shipment; provided also that the time limited for such re-shipment shall be from sun rising to sun setting.

Application for drawbacks to be made within 12 months from time of re-shipment.

Re-shipment to be made between sunrising and sun setting.

XXIV. During the continuance of this Act it shall be lawful for the Lieutenant Governor or Administrator of the Government of this Island for the time being, to grant Licenses to distil, extract or manufacture Spirituous Liquors in this Island, which License shall be in force from the date thereof until the first day of May, one thousand eight hundred and fifty-six; and the rate or price of each of such Licenses shall be five pounds, which shall be paid into the Treasury of this Island for the use of Her Majesty's Government thereof.

Licenses to distil Spirituous Liquors may be granted by Lt. Governor.

To be in force until 1st May, 1856.

Price of such License to be £5

XXV. It shall be unlawful for any person, during the continuance of this Act, to distil, extract or manufacture Spirituous Liquors in this Island, without having first obtained such License as aforesaid; and any person or persons

Unlawful to distil, &c, Spirituous Liquors without license.

Penalty for distilling without license.
Mode of recovery and appropriation.

who shall so distil, extract or manufacture Spirituous Liquors, without first having obtained a License therefor, shall, for each and every offence, forfeit and pay to Her Majesty a fine not exceeding fifty pounds, to be recovered by bill, plaint or information in Her Majesty's Supreme Court of Judicature of this Island, and paid into the Treasury for the use of Her Majesty's Government.

Illicit distillation how prevented.

Powers of Collector of Impost, &c.

Spirituous Liquors illicitly manufactured may be seized and sold.

XXVI. For the better detecting persons distilling, extracting or manufacturing Spirituous Liquors, without License as aforesaid, and also the better to enable the officers collecting the duties imposed by this or any other Act of the Legislature on such Spirituous Liquors, it shall be lawful for any Collector of Impost, Controller of the Navigation Laws, Preventive Officer, or other person appointed for collecting or securing the revenue, and he is hereby authorised to enter into and upon all houses or other buildings and premises wherein he may have suspicion, and of the sufficiency of which suspicion the officer shall be the sole judge, that Spirituous Liquors may have lately been or are being distilled, extracted or manufactured without License, or without the duties imposed by this or any other Act having been paid or secured therefor; and if on investigation he shall find such to have been or to be the case, he shall, and he is hereby authorised and required to seize and carry away the same, and sell the same by public auction, within fourteen days after such seizure, unless the owner of the spirits shall prove, to the satisfaction of the officer making the seizure, that no breach of this or any other Act in force, relating to the distilling, extracting or manufacturing of Spirituous Liquors, or the duties payable in respect thereof, has been made; and the officer making

the seizure shall be entitled to the same proportion of the amount of the sale as in the fourth section of the Act of the fourteenth Victoria; chapter the eighth, intituled "an Act for the better prevention of Smuggling," is awarded to Preventive Officers and Land Waiters making seizures, and a similar amount to that also pointed out in the said section of the said recited Act, shall be paid into the Treasury of this Island, for the use of Her Majesty's Government thereof.

Allowance to officer making seizure to be similar to that allowed on seizures, &c, by Act 14 Vic, cap 8, section 4.

And a similar amount to be paid into the Treasury for the use of the Government.

XXVII. If any person shall, by force, violence or otherwise, assault, resist, molest, oppose, hinder or obstruct any officer or other person in the execution of his duties, or any of the powers by the last preceding section of this Act conferred upon him, he shall forfeit and pay to Her Majesty a fine not exceeding fifty pounds, to be recovered in Her Majesty's Supreme Court of Judicature of this Island, and to be paid into the Treasury for the use of Her Majesty's Government.

Penalty on persons resisting officers, &c, in the execution of their duties.

How recovered and appropriated.

XXVIII. No person shall be allowed to obtain a License to distil Spirituous Liquors until he or she shall first have paid into the Treasury of this Island the amount of license duty, being five pounds as aforesaid, and the Treasurer shall give a receipt therefor, which the person applying for a license shall produce, on making such application, and the Treasurer shall publish a list of the licenses so granted in the *Royal Gazette*, quarterly.

No license to distil to be granted until license duty has been paid.

List of such licenses to be published quarterly.

XXIX. If any action be brought against any officer or person for doing, or causing to be done any thing in pursuance of the twenty-sixth section of this Act, the defendant in such action may plead the general issue, and give the

Officer prosecuted for any act done under 26th section of this Act may plead general issue, &c.

Action must be brought within 6 months.

special matter in evidence; and every such action must be brought within six months after the cause of action arises.

Jurisdiction of Land Waiters and Preventive Officers.

XXX. All Land Waiters and Preventive Officers, appointed or to be appointed under and by virtue of the Act of the fourteenth Victoria, chapter the eighth, intituled "an Act for the better prevention of Smuggling," shall have jurisdiction, power and authority, and may exercise the powers by such Act vested in them as such officers, in all parts and ports of this Island, in the same manner and under the same regulations as they may or can use, or exercise the same in the port, harbour or place to which they may have been specially appointed, any thing in the last recited Act to the contrary notwithstanding.

Duties payable on wrecked goods, &c, to be paid at once and not secured by bond.

XXXI. No bond shall be received for duties payable on wrecked goods or ship materials, on the coasts of this Island; but the said duty shall be paid in ready money immediately after sale of such goods or materials by the Broker or Auctioneer of the same, under a penalty equal to double the amount of such duty, the said penalty to be recovered from the Broker or Auctioneer making default, in the same manner as other penalties imposed by this Act.

Penalty for neglect, &c. and mode of recovery.

All fines, &c, under this or any other Revenue Act, unless otherwise directed in this Act, to be sued for, &c, in name of Attorney General, &c

In Supreme Court or Court of Vice Admiralty.

XXXII. All fines, forfeitures and penalties, arising by operation of this Act, or any other Act relating to the Revenue of this Island, shall, unless otherwise directed in this Act, be sued for and recovered, together with costs, at the suit of Her Majesty's Attorney General or other chief law officer of the Crown in this Island, in Her Majesty's Supreme Court of Judicature, or Court of Vice Admiralty; and the moneys arising from such penalties, fines and forfeitures, shall

be applied, one half to and for the purposes for which the said duties originated, and the other half to him or them who shall inform, seize, or sue for the same.

Application of monies arising from fines, &c.

XXXIII. For the better and more effectually collecting and securing the several duties, fines, forfeitures and penalties, levied by this or any other Act relating to the Revenue of this Island, the Chief Justice of the Supreme Court, or in his absence, any other Judge of the said Court, is hereby authorised and empowered, on application made by the Attorney General or other officer prosecuting on the part of the Crown for that purpose, to grant a bench warrant against any person liable for the said duties, penalties, fines and forfeitures; and such person shall be imprisoned or detained in the County Jail, until he shall have given sufficient bail to answer the judgment and costs in any action then commenced or pending against him, for such duties, fine, forfeiture and penalties.

Authorizes the issuing of a bench warrant out of Supreme Court to hold parties to bail against whom a prosecution for breach of the Revenue Laws, &c, shall be instituted.

XXXIV. The ninth, fortieth, forty-seventh and forty-eighth sections of the said recited Act of the twelfth of Victoria, chapter the tenth, intituled "an Act for raising a Revenue," shall be, and the same are hereby repealed.

Repeals 9th, 40th, 47th and 48th sections of Act 12 Victoria, cap. 10.

XXXV. This Act shall go into operation on the first day of May, one thousand eight hundred and fifty-five, and shall from thence continue and be in force until the second day of May, one thousand eight hundred and fifty-six.

Commencement and continuance of Act.

XXXVI. This Act may be repealed, altered or amended by any Act or Acts to be passed during the present Session.

This Act may be amended, &c. during Session.

CAP. XXXVI.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord one thousand eight hundred and fifty-five.

[*Passed April 17th, 1855.*]

MAY IT PLEASE YOUR EXCELLENCY ;

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

A sum sufficient for maintenance of Constabulary force, if Governor, &c, deem it necessary to call same into requisition.

A sum of money sufficient to provide for the maintenance of such Constabulary Force as the Lieutenant Governor in Council may think advisable to call into requisition in the absence of Her Majesty's Troops, should the same be required to maintain the supremacy of the Law, and to preserve internal tranquility.

£4,800 for general service of Roads, Bridges and Wharfs.

A sum not exceeding four thousand eight hundred pounds for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharfs, and that such sum be divided among the three Counties, as follows

Queen's County—One thousand seven hundred pounds.

£1,700 for Queen's County.

King's County—One thousand three hundred pounds.

£1,300 for King's County.

Prince County—One thousand three hundred pounds.

£1,300 for Prince County.

Royalty of Charlottetown, including Poplar Island Bridge—Five hundred pounds.

£500 for Royalty of Charlottetown, including Poplar Island Bridge.

And a further sum of two thousand two hundred pounds for Wharfs and Bridges, to be expended agreeably to the schedule of appropriation, in the following proportions :

£2,200 to be expended on Wharfs and Bridges agreeably to the Schedule of appropriations.

Queen's County—Seven hundred and thirty-three pounds six shillings and eight-pence.

£733 6s 8d for Queen's County.

King's County—Seven hundred and thirty-three pounds six shillings and eight-pence.

£733 6s 8d for King's County.

Prince County—Seven hundred and thirty-three pounds six shillings and eight-pence.

£733 6s 8d for Prince County.

And a sum of two hundred pounds to defray expenses under the Road Compensation Act, for the present year, should the same be required.

£200 to defray expenses under Road Compensation Act.

And a sum of three hundred pounds to defray the contingent expenses of Roads, Bridges and Wharfs for the present year, should the same be required, to be equally divided amongst the three Counties.

£300 to defray Contingent expenses of Roads, Bridges, &c.

A sum sufficient to be placed at the disposal of the Lieutenant Governor in Council for the encouragement of Free Education for the present year.

A sum sufficient for encouragement of Free general Education.

And a sum of six hundred pounds to defray the salary of the Chief Justice of the Supreme Court for the present year.

£600 for salary of Chief Justice.

And a sum of three hundred pounds to defray the salary of the Colonial Secretary for the present year.

£300 for salary of Colonial Secretary.

£300 for salary
of Colonial
Treasurer.

And a sum of three hundred pounds to defray the salary of the Colonial Treasurer for the present year.

£500 for salary
of Master of
the Rolls, &c.

And a sum of five hundred pounds to defray the salary of the Master of the Rolls and Assistant Judge for the present year.

£350 for salary
of Attorney and
Advocate Gen-
eral.

And a sum of three hundred and fifty pounds to defray the salary of the Attorney and Advocate General for the present year.

£100 for salary
of Solicitor
General.

And a sum of one hundred pounds to defray the salary of the Solicitor General for the present year.

£160 for salary
of Clerk of the
Crown and Pro-
thonotary.

And a sum of one hundred and sixty pounds to defray the salary of the Clerk of the Crown and Prothonotary for the present year.

£150 for salary
of the Keeper
of Plans and
Registrar of
Deeds.

And a sum of one hundred and fifty pounds to defray the salary of the Keeper of Plans and Registrar of Deeds for the present year.

£350 to defray
the salary of
Postmaster
General.

And a sum of three hundred and fifty pounds to defray the salary of the Postmaster General for the present year.

£80 for Country
Postmasters.

And a sum of eighty pounds for Country Postmasters for the present year.

£200 for salary
of Collector of
Impost for
Charlottetown.

And a sum of two hundred pounds to defray the salary of the Collector of Impost for Charlottetown for the present year.

£195 for sala-
ries of Compt-
rollers of Navi-
gation Laws
for Outports.

And a sum of one hundred and ninety-five pounds to defray the salaries of Comptrollers of Navigation Laws for Out-Ports for the present year.

£150 for salary
of the Clerk of
the Executive
and Legislative
Councils.

And a sum of one hundred and twenty pounds to defray the salary of the Clerk of the Executive and Legislative Councils for the present year.

£200 for salary
of Visitor of
Schools.

And a sum of two hundred pounds to defray the salary of the Visitor of Schools for the present year.

And a sum of three hundred pounds to defray the salaries of the three Masters of the Central Academy for the present year.

L300 for salaries of three Masters of Central Academy.

And a sum of twenty-five pounds to defray the salary of the Adjutant General of Militia for the present year.

L25 for salary of Adjutant General of Militia.

And a sum of sixty-eight pounds to the Harbour Master and Wharfinger for Charlotte-town for the present year.

L68 to the Harbour Master and Wharfinger for Charlotte-town.

And a sum of two hundred pounds to defray the pension of the former Colonial Secretary.

L200 for pension of former Colonial Secretary.

And a sum of three hundred and forty-five pounds to defray the salaries of thirty-three Road Commissioners, for the present year.

L345 for salaries of thirty-three Road Commissioners.

And a sum of three hundred and fifty-five pounds towards the support and maintenance of the Lunatic Asylum and House of Industry for the present year.

L350 towards support of Lunatic Asylum.

And a sum of forty pounds to defray the salaries of the two Market Clerks for Charlotte-town for the present year.

L40 for Market Clerks for Charlotte-town.

And a sum of two hundred pounds to pay Land Waiters throughout the Island.

L200 for Landwaiters throughout the Island.

And a sum of two hundred pounds, or so much thereof as may be required, for the repairs of the Colonial Building.

L200 for repairs of Colonial Building.

And a sum of sixty pounds to defray the salary of the Keeper of the Colonial Building for the present year.

L60 to Keeper of Colonial Building.

And a sum of three hundred and eighty-one pounds nine shillings and seven-pence, or so much thereof as may be required, to defray the expense of gas fittings, and lighting with gas and painting the interior of the Colonial Building.

L381 9s 7d to defray expenses of Gas lighting, &c, of Colonial Building.

And a sum of three hundred and fifty pounds to defray the expenses attending the Lunatic

L350 to defray additional ex-

pensos of Lunatic Asylum.

Asylum, in addition to the permanent grant provided by statute.

L1,500 for Summer and Winter Mails.

And a sum of one thousand five hundred pounds, or so much thereof as may be required, to defray the expenses of Summer and Winter Mails.

L500 for Inland Mails.

And a sum of five hundred pounds, or so much thereof as may be required, to defray the expense of the conveyance of the Inland Mails.

L75 to defray Public Postage.

And a sum of seventy-five pounds to defray the expense of Public Postage.

L100 for Packet between Georgetown and Pictou.

And a sum of one hundred pounds to defray the expense of a Packet to ply, so long as the navigation may remain open, between Georgetown and Pictou.

L30 for Packet between Bedque and Shediac.

And a sum of thirty pounds to defray the expense of a Packet to ply between Bedque and Shediac, in the Province of New Brunswick.

L153 to defray following salaries.

And a sum of one hundred and thirty-three pounds to defray the following salaries, viz:—

L40 Keeper Queen's County Jail.

The Keeper of Queen's County Jail, forty pounds.

L30 Keeper Prince County Jail.

The Keeper of Prince County Jail, thirty pounds.

L30 Keeper of King's County Jail.

The Keeper of King's County Jail, thirty pounds.

L15 Matron of Queen's County Jail.

Matron of Queen's County Jail, fifteen pounds.

L10 Medical Attendant of Charlottetown Jail.

Medical Attendant, Charlottetown Jail, ten pounds.

L4 Medical Attendant of Prince County Jail.

Medical Attendant, Prince County Jail, four pounds.

L4 Medical Attendant King's County Jail.

Medical Attendant, King's County Jail, four pounds.

L600 to defray

And a sum of six hundred pounds, or so much

thereof as may be required to defray the expense of the three County Jails.

expenses of three County Jails.

And a sum of six hundred and fifty pounds to defray the cost of maintaining the following Light-houses, viz :—Point Prim, Three Rivers, Richmond Bay, Cascumpee Light-house, and Summerside and Block-house Lamps.

L650 to defray cost of Point Prim, Three Rivers, Richmond Bay, Cascumpee Light Houses, &c.

And a sum of forty-five pounds to defray the expenses of Saint Paul's and Scattarie Light-houses, as provided by statute.

L45 for Lights at St Paul's and Scattarie.

And a sum of eight hundred pounds, or so much thereof as may be required, to defray the cost of repairs at Government House, and for building a coach-house.

L800 repairs of Government House, &c.

And a sum of two hundred pounds, or so much thereof as may be required, to defray the expense of fittings to light the Government House with gas.

L200 Government House gas fittings.

And a sum of three hundred pounds to defray the expense of Crown prosecutions, Crown Officers' fees for miscellaneous services, and Jurors' fees.

L300 for Crown prosecutions, &c.

And a sum of sixty pounds to defray the salaries of three Sheriffs.

L60 salaries of three County Sheriffs.

And a sum of twenty pounds to defray the salary of the Crier of the Court.

L20 Crier of Supreme Court.

And a sum of one thousand pounds towards the purchase of six Stud Horses, under the management of the Royal Agricultural Society, and that the six horses so imported shall be divided between the three Counties, two to each County; and the Royal Agricultural Society shall appoint three persons, one for each County, to draw for the choice of said horses; and when so drawn, the horses for each County shall be sold at the following places, viz: Charlottetown, Saint Eleanor's and Georgetown; the purchaser to be bound to the Central Society not to charge

L1000 purchase Stud Horses, Royal Agricultural Society, &c.

for the services of each horse more than fifteen shillings, and to keep the horses so drawn for in each of the said Counties, when sold, for the space of two years, with liberty to exchange, after that period, with other two of said stud horses, or with the horses formerly imported by the Agricultural Society, and the purchaser to give security that he will not export the same from the Island; the amount of such security, and such other rules and regulations as they may think expedient, to be determined by the Central Society; and after sale of the horses, the balance remaining after payment of the expenses of purchase and importation of the said six horses, to be paid into the Treasury of this Island.

L2000 Patriotic Fund.

And a sum of two thousand pounds in aid of the Patriotic Fund.

L20 Messenger of Executive Council.

And a sum of twenty pounds to defray the salary of the Messenger of the Executive Council.

L50 for expense of Coroner's Inquests.

And a sum of fifty pounds, or so much thereof as may be required, to defray the expense of Coroners' Inquests in this Island.

A sum sufficient for contingent expenses of Legislative Council & House of Assembly.

And a sum sufficient to pay the contingent expenses of the Legislative Council and House of Assembly for the present Session.

L100 repairs of Government House.

And a sum of one hundred pounds for the repairs of Government House, as voted at the commencement of this present Session.

L150 for Buoys and Beacons.

And a sum of one hundred and fifty pounds, or so much thereof as may be required, to defray the expenses of Buoys and Beacons for the present year.

L100 different Boards of Health.

And a sum of one hundred pounds, or so much thereof as may be required, to defray the expense attending the different Boards of Health in this Island.

L300 for interest on warrants.

And a sum of three hundred pounds, or so much thereof as may be required, to pay the Interest on Warrants for the present year.

And a sum of five hundred pounds to pay the Interest on Debentures for the present year.

L500 for interest on Debentures.

And a sum sufficient to defray the expenses of taking the Census of this Island.

A sum sufficient to defray expenses taking Census.

And a sum of twenty-five pounds for the protection of the Fisheries.

L25 protection of fisheries.

And a sum of sixty pounds to defray the salaries of the two Auditors of Public Accounts.

L60 salaries of Auditors Public Accounts.

And a sum of fifty pounds to defray the salary of the Superintendent of Public Works.

L50 to Superintendent Public Works.

And a sum of ten pounds to defray the salary of the Assayer of Weights and Measures, Charlottetown.

L10 Assayer Weights, &c. Charlottetown.

And a sum of five pounds to defray the salary of the Market Clerk for Georgetown.

L5 to Georgetown Market Clerk.

And a sum of seven hundred pounds, or so much thereof as may be required, to defray the cost of public Printing and Stationery.

L700 for public Printing and Stationery.

And a sum of four hundred pounds to defray the contingent expenses of the Government for the present year.

L400 for contingent expenses of Government.

And a sum of fifty pounds to pay for the repairs of King's County Jail.

L50 repairs of King's County Jail.

And a sum of forty-nine pounds to defray the cost of Pews in the following Churches, viz :—

L49 to defray cost of pews.

Episcopal Church, fourteen pounds.

L14 Episcopal Church.

Roman Catholic Church, fourteen pounds.

L14 Roman Catholic Church.

Presbyterian Church, seven pounds.

L7 Presbyterian Church.

Wesleyan Church, seven pounds.

L7 Wesleyan Church.

Baptist Church, seven pounds.

L7 Baptist Church.

And a sum of fifty pounds, or so much thereof as may be required, to defray the expense of Public Surveys, independent of Surveys under the Land Purchase Bill.

L50 for Public Surveys, &c.

And a sum of thirty pounds to pay the pre-

L30 for destruc-

tion of Bears,
&c.

miums for killing Bears and Loupcerviers, at the rates formerly paid, and under the same conditions.

L25 for indigent
Indians.

And a sum of twenty-five pounds for the benefit of indigent Indians.

L15 to Ladies'
Dorcas Society.

And a sum of fifteen pounds in aid of the Ladies' Dorcas Society, Charlottetown.

L300 to finish
rooms, &c, at
Lunatic Asy-
lum.

And a sum of three hundred pounds to defray the incidental and contingent expenses of the Lunatic Asylum, to be applied for the purpose of finishing the rooms and fitting up yards for lunatics.

L10 to Teacher
of Bog School.

And a sum of ten pounds to be paid to Miss Harvie, Teacher of the Bog School, Charlottetown.

L5 disposal of
Rev. C. Lloyd,
for relief Ann
Williams.

And a sum of five pounds, to be placed at the disposal of the Rev. C. Lloyd, for the relief of Ann Williams, who lost her hand in a threshing machine.

L34 8s. 6d. to
Dr Hobkirk, for
certain services
performed for
the Govern-
ment.

And a sum of thirty-four pounds eight shillings and seven-pence to Dr. Hobkirk, to defray the expense incurred by him in the recovery of his account for certain services performed by him at the request of the Government.

L60 to the
Speaker and
L30 to each
member of the
Assembly.

And a sum of sixty pounds to the Speaker, and thirty pounds to each of the Members, for their attendance during the Session, together with the usual travelling expenses.

L6 10s. to Hon.
Jas. Warburton
for relief of se-
veral poor per-
sons.

And a sum of six pounds ten shillings to the Hon. James Warburton, for the relief of the following persons:—

Mrs. Morrell, Lot 7,	£3	0	0
Elizabeth Collins,	1	10	0
George Murray,	2	0	0

L8 to Rev. H.
Swabey for re-
lief of several
poor persons.

And a sum of eight pounds to the Rev. H. Swabey for the relief of the following persons:

William McNeill,	£1	10	0
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Hugh McDonald, Lot 9,	1	10	0
Widow McPherson,	2	0	0
Sally Francis,	1	0	0
Widow Ramsay, Lot 13,	2	0	0

And a sum of thirty-two pounds ten shillings to the Rev. Peter McIntyre for the relief of the following persons:—

L.32 10s to Rev P. McIntyre for relief of several poor persons.

Walter Lambert,	£2	0	0
Thaddeus Arseneaux,	2	0	0
Hippolyte Deroch,	2	0	0
Widow Power,	2	0	0
Colin Arseneaux, for three idiot children,	3	0	0
Alexander Bell,	2	0	0
Julian DeRoch,	1	10	0
Widow Gallant,	2	0	0
Samuel Gallant and wife,	2	0	0
Mary Cahill,	2	0	0
Widow Julian Perry,	2	0	0
John Gallant, Cascumpec,	3	0	0
Barbara Gallant and daughter,	2	0	0
Widow Prospier Perry,	1	0	0
Mrs. Blompied,	2	0	0
Richard Westlake,	2	0	0

And a sum of thirty-two pounds ten shillings at the disposal of Stanislaus F. Perry, Esquire, for the relief of the following persons:—

L.32 10s. to S. F. Perry, Esq., for relief of several poor persons.

Wandering Daly,	£2	0	0
Widow Antoine Perry,	1	10	0
Widow McGrath,	2	0	0
Clement Perry,	1	10	0
Widow Andrew Gallant, Egmont Bay,	1	10	0
Celestine Casey, Egmont Bay,	2	0	0
Placide Arseneaux, for idiot son,	1	10	0
Michael Long,	2	0	0
Frederick Sylvester's sisters,	2	0	0
Old Malone and wife,	2	0	0
Peter Richard, cripple, Lot 15 Point,	1	10	0
John Morrison, for his son,	1	10	0
Widow Elizabeth Linkletter,	1	10	0

Stephen Gallant, for his son,	1	10	0
Family of Docite Bernard,	1	10	0
Judith Gallant, 15 Point,	3	0	0
Widow Marcline Gaudet, Miscouche,	1	10	0
Widow Gertrude Bernard,	1	10	0
Jane Jakeman,	1	0	0

L. 9 to James Bearisto, Esq., for relief of several poor persons.

And a sum of nine pounds at the disposal of James Bearisto, Esquire, for the relief of the following persons :

Patrick Hickey,	£2	0	0
Thomas Larkin,	4	0	0
Mrs. Howell,	1	0	0
Widow Waite,	2	0	0

L. 32 10s. to the Hon. W. W. Lord for relief of several poor persons.

And the sum of thirty-two pounds ten shillings at the disposal of the Hon. W. W. Lord, for the relief of the following persons :—

Thomas McRae,	£3	0	0
Mary Ann Baker, Searletown,	2	10	0
Elizabeth Snow, Tryon,	2	10	0
John Dogherty and wife, 30s. each,	3	0	0
Nancy Murphy, Lot 27,	2	0	0
Mary Murphy,	1	0	0
John Sherry, for cripple daughter,	1	0	0
Bridget McCarroll, Lot 27,	2	0	0
Kitty Murphy, Lot 27, this year,	2	10	0
Amount paid by Mr. Lord last year, omitted,	2	10	0
James McCarroll, Lot 27,	1	0	0
Ellen McGearl,	1	0	0
Widow Heaney,	1	0	0
John Creehen's wife,	2	0	0
Bridget Grehan, Lot 26,	1	0	0
Martha and Cicely Greenan,	1	0	0
John Rice,	3	10	0

L. 9 to J. Muirhead, Esq., for relief of several persons.

And the sum of nine pounds to be placed at the disposal of James Muirhead, Esquire, for the relief of the following persons :

Thomas Condon, Lot 19,	£3	0	0
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Peter McMillan,	3	0	0
Widow McKinnon,	1	0	0
Lauchlin McInnis, for two cripple daughters,	2	0	0

And the sum of thirty-eight pounds be granted to John Macgill for the relief of the following persons :

L.38 to J. McGill, Esq., for relief of several persons.

James Snow, Crapaud, Lot 29,	£2	10	0
Duncan Shaw, Lot 29,	2	10	0
Widow Morrison, Lot 30,	2	10	0
Patrick McCarron, (blind),	3	0	0
Widow Hughes, Lot 30,	2	0	0
Thomas Bert, Lot 29,	2	10	0
Helen McCarron, Lot 30,	2	0	0
Mrs. Fall, Lot 29,	2	10	0
Mrs. McRae, Lot 30,	2	0	0
Richard Knight,	2	0	0
Allan Cameron,	2	10	0
Mrs. Stewart,	3	10	0
Mrs. Brown, Bannockburn,	3	0	0
Charles Huggan,	2	10	0
Widow Murphy, Lot 30,	3	0	0

And a sum of five pounds ten shillings to John McNeill, Esquire, for the relief of the following persons :—

L.5 10s. to J. McNeill, Esq., for relief of two poor persons.

Archibald McDonald, Colville Road,	£2	10	0
Malcolm McKinnon, Lot 32,	3	0	0

And a sum of thirty-four pounds ten shillings to the Hon. Robert Mooney for the relief of the following persons :—

L.34 10s. to Hon R. Mooney for relief of several poor persons.

John McDonald,	£2	10	0
John Austin,	2	0	0
Widow McInnis, Savage Harbor,	2	0	0
John Ready,	2	0	0
Angus McEwen,	2	10	0
Elizabeth Fitzsimmons,	2	0	0
Patrick McLearn,	2	10	0
Maria Carroll,	2	10	0

Widow Steel,	2	10	0
Widow Bickerstaff,	2	0	0
Towards the support of five orphan Children, their mother being in Jail,	6	0	0
James Byrne, Lot 48,	2	10	0
Elizabeth Smyth,	3	0	0

L.3 to Jeremi-
ah Simpson, Esq
for relief of the
McKay family.

And a sum of three pounds to Jeremiah Simpson for the relief of the McKay family.

L.3 to R. Simp-
son, Esq. for re-
lief of W Grady

And a sum of three pounds to R. Simpson, Esquire, for the relief of William Grady, Hope River.

L.18 12s to Hon
G. Coles for re-
lief of several
poor persons.

And a sum of eighteen pounds twelve shillings to the Hon. George Coles for the relief of the following persons:—

Sarah Smith, Lot 34,	£1	12	0
Isabella McDougald, Lot 33,	1	10	0
Widow Leitch, Lot 34,	1	10	0
Widow Gass,	2	10	0
Christy McKinnon,	1	10	0
John Craddock, Lot 33,	3	0	0
Matthew Castellan, Lot 34,	3	0	0
John Brent, Lot 34,	2	0	0
Widow Martin, Haythorne's Road, Lot 34,	2	0	0

L.34 to Rev. A.
Sutherland for
relief of several
poor persons.

And a sum of thirty-four pounds to the Rev. Alexander Sutherland, for the relief of the following persons, as he may direct, viz:—

Mary Campbell, New London,
Archibald McKenzie, Lot 67,
Alexander McLellan, Lot 67,
Flora Nicholson,
Mary McLeod,
Neil Sweeney,
Alexander McLeod,
Widow McSween,
James McLeod, Johnston's Road,
Margaret McLeod, Lot 22,
Ann and Flora Sutherland, New London,

Ann McKay, Graham's Road,
 Janet McDonald, Lot 22,
 Margaret McLeod, Lot 67.
 Margaret McGregor, Lot 22,
 Catherine McKenzie,
 Christy Mattheson,
 John McDougald,
 Donald Nicholson, Lot 22,
 Ann McLeod, Lot 22,
 James Cummings, Lot 22,
 Widow Brown, Lot 67,
 Mary McSwain,
 John Martin.

And a sum of six pounds ten shillings to Mr. David Johnston, for the relief of the following persons, viz :—

Widow Holley,	£2	0	0
David Power,	2	0	0
Widow Power,	1	10	0
Mrs. Murray,	1	0	0

£6 10s. to Mr. David Johnston for relief of several persons.

And a sum of eight pounds ten shillings to Alexander Laird, Esquire, for the relief of the following persons :—

Widow Gallant,	£2	0	0
Widow Blacquire,	1	10	0
Pierre Doucette,	1	10	0
Widow McLellan,	1	10	0
Joseph Peter,	2	0	0

£8 10s. to Alex Laird, Esq., for relief of several persons.

And a sum of nine pounds four shillings to Mr. Peter Nicholson, Orwell, for the relief of the following persons :

Catherine Nicholson, Murray Harbor Road,	£1	10	0
Widow D. Nicholson, Murray Harbor Road,	1	5	0
Alexander McPherson, for daughter,	1	10	0
William Lamont,	1	19	0
Catherine Currie, Lot 49,	1	0	0

£9 4s. to Mr. Peter Nicholson Orwell, for the relief of several persons.

Widow Purcell, Lot 49,	1	0	0
Mary Maher, Lot 49,	1	0	0

L.12 10s. to Mr
Simon McKin-
non, Newtown,
Belfast, for the
relief of several
persons.

And a sum of twelve pounds ten shillings to Mr. Simon McKinnon, Newtown, Belfast, for the relief of the following persons :

Widow Stewart, Cross Roads, Belfast,	£2	0	0
Widow McLeod, " " "	1	10	0
Widow McDonald, Orwell Cove,	1	0	0
Malcolm McAulay,	2	0	0
Patrick Cody, (blind),	2	0	0
John Kelly, Newtown, towards the support of his insane son,	1	10	0
Widow James Campbell,	1	10	0
Flora McLeod,	1	0	0

L.21 10s. to the
Rev A. Munro,
Brown's Creek,
for the relief of
several persons.

And a sum of twenty-one pounds ten shillings to the Rev. Alexander Munro, Brown's Creek, for the relief of the following persons :

Margaret Nicholson, (Malcolm),	£1	10	0
Margaret McLeod,	1	10	0
John Benton,	1	0	0
Ann McPherson,	1	0	0
Ann McKenzie,	1	0	0
William Bruce,	1	0	0
Flora McLeod, (blind),	1	10	0
Susan McDonald, (widow),	1	10	0
Malcolm Nicholson,	1	10	0
Catherine McPhee, Douse's Road,	1	0	0
Ann Lamont, Green Marsh,	1	0	0
Widow McPherson, "	1	0	0
Widow Smith, Douse's Road,	1	0	0
Widow Alexander McDonald, Green Marsh,	1	10	0
Angus McLeod, for his son,	2	10	0
Edward Lannigan, afflicted with Cancer,	2	0	0

L.9 to Donald
Munro, Esq. for
relief of several
persons.

And a sum of nine pounds to Donald Munroe, Esq., for the relief of the following persons :

Widow McRae,	£3	0	0
Effy Mattheson,	1	10	0

Margaret Nicholson, Belle Creek,	1	10	0
Malcolm Nicholson,	1	10	0
Widow John Munn,	1	10	0

And a sum of fifty-one pounds ten shillings to be paid to the Irish Society, for the relief of the following persons :

L. 51 10s. to be paid to Irish Society for relief of several poor persons.

William Purcell, to be paid to John Walsh, Lot 49,	£10	0	0
William Purcell, for clothing,	2	0	0
Widow Kelly, towards the support of two idiot children,	4	0	0
Margaret McCarthy,	8	0	0
Moses Coveney,	2	10	0
Widow Cudehy,	2	0	0
Samuel McKenna,	3	0	0
Johanna Wall,	3	0	0
Margaret Knowlan,	3	0	0
Catherine O'Neill,	3	0	0
Johanna Allen,	3	0	0
Mary Kelly,	3	0	0
Sarah Moore,	3	0	0
Patrick Shea,	2	0	0

And a sum of twenty-nine pounds ten shillings to the Rev. David Fitzgerald, for the relief of the following persons :

L. 29 10s. to the Rev. D Fitzgerald for relief of several persons.

Mrs. Orchard, for a deserted child,	£3	10	0
Caleb Sentner,	2	10	0
Samuel Martin,	3	0	0
John Carpenter,	3	0	0
Matthew Garey	3	0	0
Old Mr. Webber,	7	10	0
Thomas Pollard,	2	0	0
Mary Bremmican,	3	0	0
W. Kilpatrick,	2	0	0

And the sum of twenty-two pounds to Lawrence Peters, for the relief of the following persons :

L. 20 to L. Peters for relief of several persons.

Widow Robert Deagle,	£1	0	0
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Widow Henderson and daughter,	3	0	0
Placentia Chasson,	1	0	0
Widow LeBlanc,	2	0	0
Widow Flinn,	1	0	0
Eneas Chasson,	1	0	0
Richard Coughlan,	2	0	0
Widow Simon Burke,	1	0	0
Helen Chasson,	1	0	0
Widow Polycarp Chasson,	1	0	0
Gilbert Burke,	2	0	0
John Cullerton,	2	0	0
Widow Macdonald (Piper's),	2	0	0
James Fanelly, Souris East,	2	0	0

L.9 to John Macintosh, Esq. for the relief of two poor persons.

And a sum of nine pounds to John Macintosh, Esq., for the relief of the following persons :

Lauchlin Gillis's blind son,	£2	0	0
Keeping widow Kenney,	7	0	0

L.22 14s. to the Rev. D. McDonald for relief of several persons.

And a sum of twenty-two pounds fourteen shillings to the Reverend Donald Macdonald, for the relief of the following persons :

Charles Mullen,	£1	0	0
Archangel Pocquet,	1	0	0
An infirm female living with W. Kayes,	1	10	0
Widow Morrison,	1	10	0
Mary Morrison,	1	10	0
Widow Mauley,	1	10	0
Widow Angus Macdonald, Rock Barra,	2	0	0
Daniel Connors (blind),	3	0	0
Thomas Devereux,	1	10	0
Widow Ford,	3	0	0
Christy McIsaac,	1	4	0
Widow Conway,	1	5	0
Gaspard O'Hanley,	1	10	0
Widow Mauley,	1	5	0

L.6 10s. to Mr. John Sorrey for the relief of the Griffin family.

And six pounds ten shillings to Mr. John Sorrey, for the relief of the Griffin family, Lot 61.

L.2 10s. to Mr. John Nichole for relief of T. Hayter.

And two pounds ten shillings to Mr. John Nichole, White Sands, for the relief of Thomas Hayter.

And a sum of eighteen pounds ten shillings to Hugh Macdonald, Esq., for the relief of the following persons :

L.18 10s. to H. McDonald, Esq. for relief of several persons.

Malcolm Macmillan,	£2	10	0
Widow Rowan,	2	5	0
Sarah Williams,	3	0	0
Richard Cochran,	2	5	0
Donald Macleod,	2	0	0
Martin McInnis, for idiot child,	2	10	0
Christy McKillaig,	1	0	0
Mrs. Shortell,	1	10	0
Mrs. Duncan Macdonald,	1	10	0

And a sum of nineteen pounds to Johnston Aitken, of the Montague River, for the relief of the following persons :

L.19 to Mr. J. Aitken, Montague, for relief of several persons.

Donald Macphee, for an orphan child,	£1	10	0
Mrs. Gardiner,	2	10	0
Duncan Cameron and wife,	1	10	0
Mr. Brown and wife, Lot 61,	3	10	0
Catherine Lamont, Whim Road,	1	0	0
Rachel Bruce, Whim Road,	1	0	0
Peter Crawford,	2	0	0
Ann Ross, Sparrow's Road,	1	5	0
John Kelly, Baldwin's Road,	2	0	0
Widow Murdoch Macphee,	1	5	0
Mrs. Dymont,	1	10	0

And a sum of fourteen pounds to Joseph Dingwell, Esq., for the relief of the following persons :—

L.14 to Joseph Dingwell, Esq., for relief of several persons.

Mrs. Brown,	£3	0	0
Mrs. Mathewson,	3	0	0
Christy Brown (for clothing),	1	10	0
William Walsh's crippled son,	2	5	0
George Blackett,	2	5	0
Mary Macdonald, Lot 55,	2	0	0

And a sum of twenty-five pounds ten shillings to the Rev. Pius MacPhee, for the relief of the following persons :—

L.25 10s. to the Rev. P. MacPhee for relief of several persons.

Widow Macdonald, for late Pierre Walsh,	£2	10	0
Christy McEachern,	2	10	0
Richard Whelan,	2	5	0
Donald Macdonald (blind),	3	0	0
Angus Wilson's blind son,	1	10	0
Harriet Nicholas,	1	10	0
Nancy McAdam,	1	15	0
James Dooling,	1	10	0
Mary Morrison,	2	0	0
Widow Susan Kelly,	2	0	0
Margaret Farrel,	1	10	0
Malcolm McIsaac,	1	10	0
John Quigly (cripple),	2	0	0

L.10 to Laughlan McKinnon, Lot 50, to purchase seed grain, &c.

And a sum of ten pounds to be paid to Lauchlin McKinnon, Lot 50, to purchase seed grain and other indispensable necessities to maintain a destitute family, three of whom have been deaf and dumb from their birth.

L.300 to purchase a piece of land near Government House.

And a sum of three hundred pounds to purchase a piece of land adjoining Government House grounds.

L.10 to James Easton, teacher Infant School, Georgetown.

And a sum of ten pounds to be paid to James Easton, as Teacher of the Infant School, Georgetown, during the past year.

L.5 to Martin Byrne, Esq additional salary as Postmaster.

And a sum of five pounds to be paid to Martin Byrne, Esquire, in addition to his salary as Postmaster.

L.5 to Martha Laing, Tryon, to reimburse her for funeral expenses of B. Hurtle.

And a sum of five pounds to Martha Laing, of Tryon, to assist in reimbursing her for board, lodging and funeral expenses of Benjamin Hurtle.

L.5 to Patrick Power, additional salary as Postmaster.

And a sum of five pounds to be paid to Patrick Power, Postmaster at Summerside, in addition to the amount allowed him as his salary for the current year.

A sufficient sum to defray, ex-

And a sufficient sum to be placed at the disposal of the Government, to defray the expense

of boring for Coal in such parts of this Island as the Executive may approve, under the superintendance of such persons as they may direct.

pense of boring for Coal.

And a sum of one hundred pounds to defray the salary of His Excellency's Private Secretary, for the present year.

L.100 to Private Secretary of Lt Governor.

And a sum double that subscribed in aid of the funds of the Royal Agricultural Society, provided the sum so granted does not exceed five hundred pounds, said sum to be applied for the general benefit of the Institution, under the provisions of the Act of Incorporation, one hundred pounds of the said amount to be at the disposal of the Government, to pay the School Visitor for lecturing on Agricultural Chemistry.

L.500 to Royal Agricultural Society.

L.100 of above for School Visitor.

And a sum of one hundred pounds to W. R. Watson, Esq., being the amount paid by him, by order of Sir Alexander Bannerman, to Mr. Stark, for the purchase of a horse and vehicle for travelling.

L.100 to W. R. Watson, to reimburse him that sum paid for purchase of horse and vehicle for School Visitor.

And a sum of five pounds to the Rev. Mr. Lloyd, for the relief of widow Morrison, late Teacher.

L.5 to Rev. Mr Lloyd for relief of Widow Morrison.

And a sum of twenty-five pounds to Mrs. Cullen, to discharge any and all claims her late husband, William Cullen, Esquire, may have had as Secretary to the Board of Health for Charlottetown.

L.25 to Mrs. Cullen, in full of claims of W. Cullen as Secretary of Board of Health, Charlottetown.

And a sum sufficient for exploring and taking the elevation of such parts of the Princetown Road and adjacent lands as lie between Crabb's and Haslem's, with the view of ascertaining a more level and improved course of said road, in the whole or in part.

A sum sufficient for exploring Princetown Road, between Haslem's and Crabb's to ascertain a more level course.

And a sum of seventy-five pounds to the Legislative Library Committee for the purchase of books.

L.75 for Books for Legislative Library.

And a sum of five pounds to Mrs. Mary Lawrence, a soldier's wife.

L.5 to Mary Lawrence.

L.20 for Boat built to carry the Mails.

And a sum of twenty pounds to Messrs. Muttart and Macrae, for a Boat furnished by them and used for conveying the Mails, said boat to be the property of the Government.

L.10 for Sailing Packet between this Island and Bay Verte.

And the sum of ten pounds for the encouragement of a sailing Packet between this Island and Bay Verte, provided a Mail is forwarded by that route.

A sum sufficient for painting the Court House at Georgetown.

And a sum sufficient to defray the expense of painting the Jail and Court House in Georgetown.

L.55 17s. 4d. to Wm. Cooper for disbursements in attending House of Assembly in the years 1837 and 1838.

And a sum of fifty-five pounds seventeen shillings and four-pence to be paid to William Cooper, Esquire, to indemnify him for his disbursements in attending the House of Assembly during the Sessions of 1837 and 1838.

A sufficient sum in support of Brackley Point School, according to Report of the Committee.

And a sum sufficient towards the support of the Schools at Brackley Point, in accordance with the recommendation contained in the Report of the Committee on Teachers' Petitions.

L.299 1s. 6d. to be paid to sundry Teachers, agreeably to Report of Committee of House of Assembly.

And a sum of two hundred and ninety-nine pounds one shilling and six-pence to the following Teachers, agreeably to the Report of the Committee of the House of Assembly on School Petitions, viz :

Strang Hart, Upper Tryon,	£4	16	2
Leland Stumbles, Cascumpec,	14	0	0
Thomas O'Brien, West Point,	20	0	0
Henry Lecky,	30	0	0
Matthew Revelle, for one year,	25	0	0
Letitia Muirhead,	12	0	0
John Morrison, Georgetown Royalty,	24	12	0
Robert Thomas,	5	0	0
Michael Dinn,	12	0	0
Malcolm McKenzie,	24	3	4
Murdoch McKenzie,	17	10	0
John Campbell,	25	0	0
Mary Ann Murphy,	6	0	0

James Gillanders,	15	0	0
Laughlin Macphee,	7	0	0
James Martin,	12	0	0
Trustees of R. Catholic Schools in Charlottetown,	20	0	0
Edward S. Blanchard,	25	0	0

And a sum of seven pounds ten shillings to Mr. Archibald Macdonald, Panmure Island, for permission to cut down wood on said Island, for the purpose of opening a view from the Light House towards the harbour of Georgetown, the said wood to be at the disposal of the Government, and on condition that nothing shall be afterwards placed on the same ground to obstruct the view to said harbour.

£7 10s. to A. McDonald, Panmure Island, to open view from Light House to the Harbor of Geo. Town, &c.

And a sum of forty-pounds to the Assessors of Georgetown, for the purchase of a Fire Engine, provided an equal sum is subscribed by the inhabitants.

£40 to Assessors of Georgetown to purchase Fire Engine.

And a sum of twenty pounds to be paid to the Office-bearers of the Charlottetown Mechanics' Institute.

£20 to Office-Bearers of Ch. Town Mechanics' Institute.



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