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THE

STATUTES

OF

NOVA SCOTIA,

PASSED IN THE THIRD SESSION

OF THE

GENERAL ASSEMBLY

OF THE

TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

HELD

ON THE FOURTH FEBRUARY, 1858.



HALIFAX:

PRINTED BY A. GRANT,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.



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OF

NOVA SCOTIA.

21°. VICTORIÆ.

1858.

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At the General Assembly of the province of Nova Scotia, begun and holden at Halifax, on Thursday the fourth day of February, 1858, in the twenty-first year of the reign of our sovereign lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, &c., &c., &c., being the third session of the twenty-first General Assembly convened in the said province.*

* In the time of his Excellency The Earl of Mulgrave, Lieutenant-Governor; Edward Kenny, president of the Legislative Council; Stewart Campbell, speaker of the Assembly; Charles Tupper, provincial secretary; and Alexander James, clerk of Assembly.

CHAPTER 1.

An Act for giving effect to the surrender to Her Majesty by the legal personal representatives of the late Duke of York and Albany, and by the General Mining Association and their trustee, of the mines in Nova Scotia, and to the lease of part of such mines to the said Association.

(Passed the 24th day of March, (A. D. 1858).)

SECTION.

1. Leases, Agreements, &c., when confirmed—operation and effect of—Proviso.
2. Act to regulate the Mines of this

SECTION.

- Province, passed A. D. 1853, repealed as regards Mines demised.
3. Schedule to be taken as part of Act.
 4. Indentures to be recorded. Certified copies to be received in evidence.

Whereas an arrangement has been made and entered into between and by or on behalf of her Majesty and the General Assembly of this province, and Christopher Pearse and John George Nutting, as the legal personal representatives of his late Royal Highness Frederick, Duke of York and Albany, and the General Mining Association, for the surrender to her Majesty of all the terms, estates, and interests of the said Christopher Pearse and John George Nutting, and the said Association, and of Preamble.
as the legal personal representatives of Edmond Waller Rundle, deceased, and a trustee for the said Association, in the mines and minerals in this province, and for granting to the said Association, a new lease of the beds or seams of coal in certain parts of the said Province, with full powers for working the same for the term of twenty-eight years, to commence and be computed from the first day of January, in the year one thousand eight hundred and fifty-eight, and also for such portion of the next succeeding year as shall elapse previously to the twenty-fifth day of August, in the same year, being the year one thousand eight hundred and eighty-six, at certain rents or royalties, and subject to certain other terms, which have been agreed upon. And whereas

it is intended that for effecting the said arrangement a certain Indenture, already prepared and engrossed, and bearing date the first day of January, in the year one thousand eight hundred and fifty-eight, and expressed to be made between the said Christopher Pearse and John George Nutting, of the first part, the said

of the second part, the said Association, of the third part, and Her Majesty, of the fourth part, a true copy of which Indenture is contained in the schedule hereto annexed, shall be executed by the several parties thereto, of the first, second, and third parts, respectively, by which Indenture all the estate, term, and interest, of the said Christopher Pearse and John George Nutting, and of the said

and of the said Association, in the said mines and minerals, are expressed to be surrendered and yielded up to her Majesty, her heirs, and successors, and whereby certain releases are expressed to be made concerning the said mines and minerals, and the rents, royalties, and reservations, reserved, or agreed to be reserved, by certain leases and agreements for leases of the said mines and minerals, and also that a certain other indenture, already prepared and engrossed, and bearing date the same first day of January one thousand eight hundred and fifty-eight, and expressed to be made between her Majesty, of the one part, and the said Association, of the other part, a true copy of which last mentioned indenture is contained in the schedule hereto, should be executed by the said Association, by which same indenture all the beds and seams of coal in certain parts of this province are expressed to be demised to the said Association, their successors and assigns, for the said term of twenty-eight years, and such portion, as aforesaid, of another year, at certain rents or royalties, and upon certain terms therein mentioned. And whereas, the said two indentures so prepared and engrossed as aforesaid, have not, nor hath either of them, been executed by or on behalf of any of the parties named as parties thereto, but the same have been duly signed and approved of by

the solicitor to her Majesty's Treasury, on behalf of her Majesty, and by the honorable James William Johnston and Adams George Archibald, Esquire, delegates appointed under the authority and on behalf of the General Assembly of this Province, and by Messrs. Farrar, Ouvry and Farrar, the solicitors of and on behalf of the said Christopher Pearse and John George Nutting, and by Messrs. Wilson and Bristows, the solicitors of and on behalf of the said

and by Francis Thomas Bircham, the solicitor of and on behalf of the said Association. And whereas, the said arrangement cannot be fully carried into effect without an act of the General Assembly of this Province:

1. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That when and so soon as the said first hereinbefore mentioned indenture shall have been duly executed by the said Christopher Pearse and John George Nutting, or the legal personal representative or legal personal representatives, for the time being, of the said Duke of York and Albany, and by the said

Leases, Agreements, &c., when confirmed—operation and effect of.

or the legal personal representative or legal personal representatives, for the time being, of the said Edmond Waller Rundell, and by the said Association, and the said secondly hereinbefore mentioned indenture shall have been duly executed by the said Association, and when and so soon as the said two several indentures, duly executed as aforesaid, shall have been delivered to the Lieutenant Governor, for the time being, of this province, then, and in such case, and notwithstanding the same indentures shall not have been executed by or on behalf of her Majesty, but not before all the said executions hereinbefore mentioned shall have been duly effected, and the said two several indentures shall have been delivered to the said Lieutenant Governor, as aforesaid, the said two several hereinbefore mentioned indentures shall respectively thereupon stand and be absolutely confirmed by the General Assembly of this province, and the said first mentioned indenture shall operate and enure as an effectual surrender of all the terms, estates, and interests thereby expressed to be surrendered, and an effectual merger and extinguishment thereof in the reversion and inheritance, and as effectual releases of all the claims and demands thereby expressed to be released, according to the tenor and purport of the same indenture, and the said secondly mentioned indenture shall operate and enure as a valid and effectual grant, lease, and demise of all the premises thereby expressed to be granted, released, and demised for the term, for the rents, royalties, and reservations, and with, under, and subject to the covenants, conditions, agreements, and provisoes by and in the same indenture respectively granted, contained and reserved, or expressed so to be, according to the tenor and purport of the same indenture, and that when and so soon as all the said executions, hereinbefore mentioned, shall have been duly effected, as aforesaid, and the said two several indentures shall have been delivered to the said Lieutenant Governor, as aforesaid, the same indentures shall respectively operate and take effect as from the said first day of January one thousand eight hundred and fifty-eight, and as if the same had been duly executed the same day by all the parties named as parties thereto, respectively, including her Majesty, and had been delivered to the said Lieutenant Governor, as aforesaid, on the same day. Provided always, and it is hereby further enacted, that if the said two several indentures shall not be respectively duly executed, as aforesaid, and delivered to the said Lieutenant-

Proviso.

Governor, as aforesaid, during the year one thousand eight hundred and fifty-eight, then, and in that case, the same indentures and the enactments hereinbefore contained, shall be absolutely void and of none effect.

Act to regulate the Mines of this Province, passed A. D. 1853, repealed as regards Mines demised.

2. And for giving more full effect to the said lease of the first day of January in the year one thousand eight hundred and fifty-eight, be it further enacted, that in case the said two several indentures shall be respectively executed, as aforesaid, and delivered to the said Lieutenant Governor, as aforesaid, before or during the year one thousand eight hundred and fifty-eight, the act to regulate the mines of this province, which was passed on the fourth day of April, one thousand eight hundred and fifty-three, and received the royal assent on the twenty-fourth day of October one thousand eight hundred and fifty-three, shall be, and the same is hereby repealed, so far as relates to the coal mines expressed to be demised by the same lease, and during the continuance of the term expressed to be thereby granted, but not further or otherwise.

Schedule to be taken as part of act.

3. And be it enacted, that the Schedule to this act shall be read and taken as part of this act.

Indentures to be recorded.

4. And be it further enacted, that when and so soon as conveniently may be, after the said two several indentures shall have been respectively executed, as aforesaid, and delivered to the said Lieutenant Governor, as aforesaid, the same indenture first above mentioned shall be recorded in the registry of deeds at Halifax, in the said province, and the indenture secondly herein mentioned shall be recorded in the registry of deeds in each of the counties in which the respective areas comprised in the said lease are situate, and this act, or certified copies of and extracts from the registry of the same indentures respectively, under the hand of the proper officer, shall be admitted as evidence of the contents and due execution of the same indentures, respectively, in all courts of law and equity, or other judicature.

Certified copies to be received in evidence.

(SCHEDULE)

This Indenture, made the _____ day of _____ 1858, between Christopher Pearce, of _____ and John George Nutting, of _____ of the first part; _____ of the second part; the General Mining Association of the third part; and the Queen's Most Excellent Majesty, of the fourth part.

Whereas, by letters patent, bearing date the 25th day of August, 1826, being in the form of an indenture made or expressed to be made between his late Majesty King George the Fourth, of the one part, and his late Royal Highness Frederick, Duke of York and Albany, of the other part, his said late Majesty king George the Fourth granted and demised certain mines and minerals in the province of Nova-Scotia unto the

said Duke of York and Albany, his executors, administrators, and assigns, for the term of 60 years, from the day of the date of the said letters patent, at the rents or royalties therein mentioned. And whereas, by an indenture of underlease, bearing date the 12th day of September, 1826, and made between the said Duke of York and Albany, of the one part, and John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, all since deceased, of the other part, the said Duke of York and Albany granted and demised the same mines and minerals unto the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, their executors, administrators, and assigns, for the then residue of the said term of sixty years, except the last day thereof, at the rents or royalties therein mentioned. And whereas, in the reign of his late Majesty King William the Fourth, an agreement was entered into between his said Majesty's then Secretary of State for the colonies, on behalf of the Crown, and the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, for a grant or lease from the Crown to them the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, of certain mines and minerals in the said province, which were not included in, or were excepted out of, or were alleged not to be included in or to be excepted out of the said letters patent and indenture of underlease, respectively, at certain rents and royalties, but no grant or lease was ever executed in pursuance of the said agreement. And whereas, the said Association became absolutely entitled to all the beneficial estate and interest under the said indenture of the 12th day of September, 1826, and the said agreement, but no assignment to them of the premises comprised therein respectively, or any part thereof, has ever been executed. And whereas, the said Association has worked various coal mines under or by virtue of the said indenture of underlease and the said agreement respectively. And whereas, the said Frederick, Duke of York and Albany, died in the month of January, 1827, having duly made his last will, bearing date the 26th day of December, 1826, and thereby appointed Sir Herbert Taylor and Sir Benjamin Charles Stephenson his executors, by whom the said will was duly proved in the prerogative court of the Archbishop of Canterbury. And whereas, the said Sir Benjamin Charles Stephenson survived the said Sir Herbert Taylor, and died on the 10th day of June, 1839, intestate. And whereas, on the 19th day of February, 1840, letters of Administration to the estate and effects of the said Duke of York and Albany, then left unadministered, were granted to the said Christopher Pearse and John George Nutting by the prerogative court of the Archbishop of Canterbury. And whereas, on the 27th day of May, 1851, letters of administration to the estate and effects of the said Duke of York and Albany, in the said province of Nova Scotia, were granted

to Lawrence Hartshorne as the attorney and on the behalf of the said Christopher Pearse and John George Nutting as such administrators as aforesaid, by the proper court in the said province, and by an indenture bearing date the 5th day of February, 1852, and made between the said Lawrence Hartshorne, of the one part, and the said Christopher Pearse and John George Nutting, of the other part, the said mines, minerals, and premises, comprised in and granted and demised by the said hereinbefore recited letters patent, were assigned by the said Lawrence Hartshorne unto the said Christopher Pearse and John George Nutting, their executors, administrators, and assigns. And whereas, many years ago, disputes arose between the said Sir Herbert Taylor and Sir Benjamin Charles Stephenson as the legal personal representative of the said Duke of York and Albany and the said Association, concerning the rents and royalties payable under or by virtue of the said indenture of the 12th day of September, 1826, and suits were instituted in the high court of chancery by the said Sir Herbert Taylor and Sir Benjamin Charles Stephenson as such legal personal representatives as aforesaid, against the said Edmond Waller Rundell and others, for determining such disputes, and suits of revivor and supplement have since been instituted in relation thereto. And whereas, an agreement for compromising the said disputes was entered into between the said Christopher Pearse and John George Nutting and the said Association, with the approbation of the legal advisers of Her present Majesty, Queen Victoria, and with the approbation of the said court of chancery in the said suits, and in certain suits instituted in the said court for administering the estate of the said Duke of York and Albany, and the terms of such agreement were expressed in an indenture, bearing date the 29th day of May, 1849, and made between the said Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, of the first part, the said Association, of the second part, the said Christopher Pearse and John George Nutting, of the third part, and Robert Moser, Alfred Charles Bridge and Henry Warre, of the fourth part, and such terms were in part to the effect that the said letters patent bearing date the 25th day of August, 1826, and the said indenture of underlease of the 12th day of September, 1826, and the said agreement entered into in the reign of King William the Fourth, for a lease from the crown, hereinbefore respectively recited or mentioned, should be surrendered to her Majesty, and that a new lease of the said mines should be granted by her Majesty to the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, at certain rents or royalties, and that a new Underlease of the same mines should be granted by the said Christopher Pearse and John George Nutting to the said Association, at certain rents or royalties, and further, that in the meantime and until such

lease and underlease should be granted, the said Association should invest the rents and royalties which would be payable as part of the estate of the said Duke of York and Albany, if such lease and underlease had been actually granted in the purchase of Bank £3 per cent. annuities, and should accumulate the dividends thereof. And whereas, the terms of the said agreement were afterwards modified with the approbation of the said court in the said suits. And whereas, it became impracticable to carry the said agreement into effect by reason of the provisions of the act of the General Assembly of the said province of Nova Scotia, intituled, "an act for transferring the crown revenues of Nova Scotia and providing for the civil list thereof," which was passed on the eighth day of March, 1849, and received the royal assent on the

day of 1849, and whereby the right and title of her Majesty in and to the said mines and minerals and the rents and royalties payable for or in respect of the same, were assigned, transferred, and surrendered to the disposal of the general assembly of the said province, without making any provision for carrying out the said agreement. And whereas, the said Edmond Waller Rundell survived the said John Bridge, Thomas Bigge, and John Gawler Bridge, and died on the

day of And whereas, with a view to a final settlement of all matters in difference between the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, and the said Association, it has been agreed between them, with the approbation of her Majesty, and of the said court in the said suits, so instituted as aforesaid, that the said Association should purchase for the sum of £120,000 all the term, estate, and interest whatsoever of the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, whether under or by virtue of the said letters patent of the 25th day of August, 1826, or the said indenture of underlease of the 12th day of September, 1826, or the said indenture of the 29th day of May, 1849, or the modifications of the agreement expressed therein, or otherwise howsoever, of and in all the mines, minerals, and premises in the said province of Nova Scotia, comprised in and demised by the said indenture of underlease or forming the subject of the said indenture of the 29th day of May, 1849, or the modifications of the agreement expressed therein, and of and in the rents, royalties, reservations, and payments payable in respect of the same, and of and in all the Bank annuities in which any of the said rents, royalties, reservations, and payments have been invested, and the accumulation thereof. And the said Christopher Pearse and John George Nutting, and the said

at the request of the said Association, have agreed to make and execute the surrender hereinafter on their part contained. And whereas, all the

rents, royalties, and reservations, which have become payable to her Majesty for or in respect of the said mines and minerals, or any of them, up to and including the 31st day of December, 1857, have been duly paid and satisfied. And whereas it has been agreed that the Surrenders hereinafter contained on the part of the said and of the said Association should be made and executed by them respectively. And it has been agreed that the releases hereinafter contained should also be executed, it being understood and agreed that an act of the General Assembly of the said province of Nova Scotia will be passed and assented to by her Majesty for confirming and giving more full effect to these presents :

Now this indenture witnesseth, that in pursuance of the said agreement in this behalf, and in consideration of the sum of £120,000 to the said Christopher Pearse and John George Nutting, by the said Association, paid at or immediately before the sealing and delivery of these presents, and for other the considerations hereinbefore recited, the said Christopher Pearse and John George Nutting, and the said General Mining Association, according to their several and respective estates and interests in the premises, do each, and every of them doth, surrender, release, and yield up unto the Queen's Most Excellent Majesty, her heirs and successors, all the mines, minerals, powers, and premises whatsoever, comprised in and granted or demised by the said hereinbefore recited letters patent of the 25th day of August, 1826, and all the mines, minerals, and premises agreed to be granted or demised by or forming the subject of the said agreement entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown as hereinbefore is mentioned. And all the estate, right, title, interest, claim, and demand whatsoever, either at law or in equity, of the said surrendering parties and every of them, in, to, and out of the said premises, to the intent that the several residues now unexpired of the said term of sixty years, granted by the said letters patent, and of the said term of sixty years wanting one day, granted by the said indenture of underlease, and all the interest agreed to be granted by the said agreement entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown, and all other the estate, term, and interest of the said surrendering parties, and every of them, in the mines or minerals in the said province of Nova Scotia and every part thereof, may be merged and extinguished in the reversion and inheritance of the said premises. And this indenture further witnesseth, that in consideration of the premises, our said sovereign lady the Queen, of her especial grace, certain knowledge, and mere motion, doth acquit, release, and for ever discharge the said Christopher Pearse and John George Nutting, their heirs, executors, and administrators, and the estate and effects of the said Duke of York and Albany, and also the said

his heirs, executors, and administrators, and the estates and effects of the said John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, respectively, and also the said Association and their successors, of and from all and all manner of actions, suits, extents, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims, and demands whatsoever, which either at law or in equity our said Sovereign Lady the Queen, her heirs or successors, now hath or have, or hereafter shall or may or otherwise could or might have, under or by virtue of the said hereinbefore recited letters patent and underlease, or the said hereinbefore mentioned agreement, entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown, or the said indenture of the 29th day of May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid, or any of them, or in any wise relating to the premises. And this indenture further witnesseth, that in consideration of the premises the said Christopher Pearse and John George Nutting, do, and each of them doth, acquit, release, and for ever discharge the said his heirs, executors, and administrators, and the estates and effects of the said John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, respectively, and also the said association and their successors, of and from all and all manner of actions, suits, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims, and demands whatsoever, which, either at law or in equity, they, the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, or either of them, or the heirs, executors, or administrators of them, or either of them, or the legal personal representative, or legal personal representatives, for the time being, of the said Duke of York and Albany, have or hath or hereafter shall or may or otherwise could or might have, under or by virtue of the said hereinbefore recited underlease, or the said indenture of the 29th of day May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid, or in any wise relating to the premises. And this Indenture further witnesseth, that in consideration of the premises, the said and the said Association do and each of them doth acquit, release, and for ever discharge the said Christopher Pearse and John George Nutting, and each of them, and the heirs, executors, and administrators of them, and each of them, and the estates and effects of the said Duke of York and Albany, Sir Herbert Taylor, and Sir Benjamin Charles Stephenson, respectively, of and from all and all manner of actions, suits, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims and demands whatsoever, which, either at law or

in equity, the said his heirs, executors, or administrators, or the said Association or their successors or assigns, hath or have, or hereafter shall or may, or otherwise could or might have, under or by virtue of the said hereinbefore recited underlease, or the said Indenture of the 29th day of May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid, or any of them, or in any wise relating to the premises.

In witness, &c.

This Indenture, made the _____ day of _____ between the Queen's Most Excellent Majesty, of the one part, and the General Mining Association, of the other part, WITNESSETH :

That in consideration of certain surrenders and releases, effected and contained in and by a certain indenture, bearing even date with these presents, and made or expressed to be made between Christopher Pearse and John George Nutting, of the first part, _____ of the second part, the said Association, of the third part, and her Majesty, of the fourth part, and in consideration of the rents and royalties hereby reserved, and of the covenants and agreements herein contained, and on the part of the said Association, their successors, and assigns, to be observed and performed, our said Sovereign Lady the Queen, of her especial grace, certain knowledge, and mere motion, doth grant and demise unto the said Association, their successors, and assigns, all and singular the beds and seams of coal, whether opened or unopened, within, under, or upon, the six several tracts of land hereinafter described, that is to say :

First, within, under, or upon, all that tract in the island of Cape Breton, which comprises the works of the Association on or near Sydney Harbour and on or near Point Aconi, and is bounded as follows, that is to say : Beginning at Stubbert's Point above Indian Cove on the northern shore of Sydney Harbour, thence running in a northerly direction, and crossing the Little Bras d'Or to the head of Mill Pond on Boularderie Island, where the Aconi Brook enters into said Pond, thence northerly by the eastern side of said pond to the sea shore, and round Point Aconi and north-eastwardly by the shore, crossing the little entrance of the Bras d'Or round Cranberry Head, and thence along the northern shore of Sydney Harbour to the place of beginning.

Secondly, within, under, or upon all that tract in the island of Cape Breton, which lies on the southern side of Sydney Harbour, and comprises the works of the Association at Langan on the north side of Bridgeport Harbour, and is bounded as follows, that is to say : Beginning on the southern side of

Sydney Harbour at McPhec's Brook or Ferry; thence running in a southerly direction to the mouth of the north-west Brook, so called, which empties into Bridgeport Basin; thence by the northern shore of said Basin to Indian Bay, and by the shore of the said bay eastwardly to the "North Head" on the sea shore; thence northwardly and westwardly by the sea shore and Sydney Harbour to the place of beginning.

Thirdly, within, under, or upon all that tract in the island of Cape Breton which lies on the southern shore of Indian Bay or Bridgeport, and comprises the ancient works of the Association on the southern side of Bridgeport, and is bounded as follows, that is to say: Beginning at a point on the southern shore of Indian Bay at the distance of 25 chains, westwardly by the shore from Level Mouth (so called); thence south $35^{\circ} 45'$ west (being parallel to the outcrop of the coal seam on this tract) 98 chains to a tree marked as a corner bound; thence south $45^{\circ} 15'$ east 102 chains and 30 links to a squared post on the east side of Caddigan's or Cadougan's Brook, thence parallel with the line first described 131 chains, or to the shore of Dead Man's Cove at a point distant 5 chains, eastwardly by the shore of said cove from the mouth of said brook; thence westwardly by the shore of said cove and Indian Bay to the place of beginning, comprising an area by measurement of two square miles.

Fourthly, within, under, or upon all that tract near New Glasgow in the county of Pictou, and comprising the works of the Association known as the Albion mines, and is bounded as follows, that is to say: Beginning at the southern angle of the church at the Albion mines; thence south $57^{\circ} 20'$ east (being on the same range with a line running through the spire of said church) 104 chains and 88 links to post No. 1, marked G. M. A.; thence north $32^{\circ} 40'$ east crossing McLellan's Brook 106 chains and 70 links to post No. 2 marked G. M. A.; thence north $57^{\circ} 20'$ west (crossing the East River of Pictou) 240 chains to post No. 3 marked G. M. A.; thence south $32^{\circ} 40'$ west 106 chains and 70 links to post No. 4 marked G. M. A.; thence south $57^{\circ} 20'$ east through the spire of the church aforesaid to the place of beginning, and which last mentioned tract covers an area of four square miles by measurement.

Fifthly, within, under, or upon all that tract lying in the county of Cumberland on the shore of Cumberland Basin, at or near the Joggins, so called, and comprising the works of the Association at the Joggins, and is bounded as follows, that is to say: Beginning at a squared post marked 1857 on the Bank of the shore of Cumberland Basin 2 chains and 75 links southward by the said shore from the mouth of Dennis Brook; thence south $73^{\circ} 30'$ east 256 chains to a squared post marked 1857; thence north $73^{\circ} 30'$ west, passing a post at high water mark on the Joggins shore of the Basin aforesaid, and extending thereby into said Basin until the whole distance

of 256 chains has been run out; thence south $16^{\circ} 30'$ west to the place of beginning crossing the mouth of Dennis Brook, comprising an area of four square miles by measurement.

And sixthly, within, under, or upon all that tract lying in the County of Cumberland at or near Spring Hill, so called, and is bounded as follows, that is to say: Beginning at a Birch Tree at the south-west angle of a lot containing one hundred and twenty-eight acres, granted to the General Mining Association by letters patent bearing date 26th April, 1849, (vide Book 16, No. 1494 of the registry of grants in the crown land office, Halifax); thence south 40° east 39 chains and 50 links to a squared post marked 1857; thence north 50° east 160 chains to a post marked 1857; thence north 40° west 160 chains to a post marked 1857; thence south 50° west 160 chains to a post at Mill Pond on Coal Mine Brook and marked 1857; thence south 40° east 120 chains and 50 links to the place of beginning, and which last mentioned tract covers an area of four square miles by measurement.

And also, so far as her Majesty, with the concurrence of the General Assembly of the said Province of Nova Scotia, can or lawfully may give or grant the same, full and free liberty, license, and authority, to and for the said Association, their successors and assigns, and their tenants, servants, workmen and agents, to search for, dig, work, and take, such beds and seams of coal, and to make or use any pit and pits, trench and trenches, quarry and quarries, groove and grooves, and to drive and use any drift and drifts, watergate and watergates, waygate and waygates, airgate and airgates, watercourse and watercourses, as well for working, winning, obtaining and getting the said coal, as also for voiding and carrying away the water, foul air, and rubbish from the mines thereof, and also to make or use and enjoy sufficient and convenient pit room, ground room, and heap room, within the limits of the said tracts or districts hereinbefore described, for the laying and placing as well the coal which has heretofore been had, wrought, won, or gotten, or which shall, from time to time hereafter, be had, wrought, won, or gotten, from or out of the said coal mines, or any of them, as also all such stones, gravel, sand, deads, and other rubbish, which has heretofore proceeded or been had or gotten, or shall hereafter proceed or be had or gotten from or out of the said mines, or any of them, or in the working or digging thereof, or in getting or raising the said coal, and also to make, place, erect, and set up, or use within the limits of the said tracts or districts, and every of them, all such gins, engines, furnaces, refineries, cupolas, foundaries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings, and erections as shall, from time to time, be needful or convenient for opening, working, or drawing the said mines, and every or any of them, and for lodging, stacking, depositing or placing the same, and for burning

and making bricks, tiles, and pipes, and for withdrawing or carrying away of water from the said mines, and every or any of them, or for the standing, lodging, laying or placing of the work-men, work-horses and work-gear, to be used or employed in or about the making and carrying on the works of the said mines, respectively, and also within the limits of the said tracts or districts, and every or any of them, to use and enjoy all such gins, engines, furnaces, refineries, cupolas, foundaries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings, and erections, as have been heretofore made, placed, erected and set up within the limits of the said tracts or districts, or any of them, for the purposes aforesaid, and are now standing or being thereon, and also within the limits of the said tracts or districts, and every or any of them, to use and enjoy sufficient and convenient way, leave, and liberty of passage, and liberty to make, lay, and place, one or more way, or ways, railway or railways, tramroad or tramroads, and to remove, take away, amend and repair, alter and change the same, respectively, and to take, lead, drive, and carry away, in, through, along, and over, the said way or ways, railway or railways, tramroad or tramroads, and in, through, along, and over any way or ways, railway or railways, tramroad or tramroads, heretofore made and now subsisting within the limits of the said tracts or districts, or any of them, and with horses, carts, wains, wag-gons, or any other carriage or carriages, and with engines, all the coals to be had, wrought and gotten forth and out of the said Mines, and all other substances necessary or convenient to be removed therefrom. And also, so far as her Majesty with the concurrence of the General Assembly of the said province, can or lawfully may give or grant the same, full and free liberty, license, and authority, for the said Association, their successors and assigns, to make such ways, roads, railways and tramroads, through, across, or over any lands in the vicinity of and other than the said tracts or districts, from and to any mine or mines under or upon the said tracts or districts, or any of them, to and from such navigable water as shall be considered by the said Association, their successors or assigns, most convenient and suitable for the shipment of coal or the carriage of materials for the purposes of their Mining operations and the agents and workmen of the said Association, in such places as shall be reasonable, and shall by the said Association, their successors or assigns, be thought best, and for the purposes aforesaid, and no other purposes, to use all such ways, roads, railways and tramroads as shall be so made, the said Association, their successors and assigns, doing as little damage as possible thereby, and paying to our Sovereign Lady the Queen, her heirs or successors, by the hands of the Lieutenant-Governor, for the time being, of the said Province, for the use of the said Province, a full and fair compensation, in

respect of the exercise of the said last mentioned rights of way, the position and dimensions of such ways, roads, railways, and tramroads, and the amount of the said compensation to be respectively determined, in case of difference, by the arbitration and award, in writing, of any two out of three indifferent persons, to be appointed in manner following, that is to say : one to be appointed in writing by the Lieutenant-Governor, for the time being, of the said Province, and another to be appointed in writing by the said Association, their successors, or assigns, or in case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of one calendar month after being required in writing by the other party so to do, then both the said two indifferent persons to be appointed in writing by such other party, and the other of such three indifferent persons to be appointed in writing by the said two indifferent persons to be first appointed as aforesaid ; and generally to have, hold, use, and enjoy, during the continuance of this grant or demise, all other powers and privileges whatsoever, within, over, and upon the said tracts or districts, or any of them, which shall or may be useful, necessary, or convenient for, or in or about the searching for, winning, working, digging, getting, or drawing of coal from and out of the said mines, or any of them, and taking and carrying away the same, and for stacking and lodging the same, or any part thereof, and which her Majesty, with the concurrence of the General Assembly of the said Province, can or lawfully may give or grant, they, the said Association, their successors and assigns, and their tenants, servants, agents, and workmen, doing as little spoil and damage of ground as possible within the limits of the said tracts or districts, in searching for, winning, working, having, exercising and enjoying of the premises, and the several powers, liberties, and privileges hereby granted and demised, save and except, nevertheless, and reserving out of these presents unto our said Sovereign Lady the Queen, her heirs and successors, and her or their lessees, of all or any of the mines, in, under, or upon any part of the said Province, except the said tracts or districts hereinbefore described, but with such restrictions as hereinafter mentioned, full and free right and liberty to make, and to use when so made, such ways, roads, railways, and tramroads, through, across, or over the said tracts or districts, or any of them, from and to any mine or mines, in, under, or upon any part of the said Province, except the said tracts or districts, to and from such navigable water, as shall be considered by the Lieutenant Governor, for the time being, of the said province, or the lessees of the same mine or mines, most convenient and suitable for the shipment of coal and other minerals, in such places as shall be reasonable, and shall, by such Lieutenant-Governor for the time being, or such lessees, be deemed best, and also full and free right and liberty for the said Lieutenant

Governor for the time being, or the lessees of such mine or mines, but with such restrictions as hereinafter mentioned, to erect on the said tracts or districts hereinbefore described, or any part thereof, and to use and enjoy when so erected any such works, buildings, wharves or other establishments necessary or convenient for the working and winning of coal or other minerals, or the successful carrying on of any collieries or mining establishments, in, under, or upon any part of the said province, except the said tracts or districts hereinbefore described, but so as not to obstruct in any material degree, nor unless in case of absolute necessity, to interfere with the operations, from time to time, of the said Association, and so that such lessees as aforesaid shall not have or be entitled to use or exercise any such rights or liberties as are hereby expressed to be excepted and reserved, save only when the same rights and liberties shall be specially granted in, and shall also be (as nearly as conveniently may be) particularly and precisely specified, limited and described as to position and dimensions and other material particulars in the leases under which such lessees shall claim or be entitled to the aforesaid mines or any of them, the said province or the lessees of such mines as aforesaid paying to the said Association, their successors or assigns, a full and fair compensation in respect of the exercise of the said rights and privileges so accepted and reserved, as aforesaid, or any of them, the position and dimensions and other material particulars of the said ways, roads, railways and tramroads, works, buildings, wharves, or other establishments, and the amount of the said compensation to be respectively determined, in case of difference, by the arbitration and award, in writing, of any two out of three indifferent persons, to be appointed in manner following, (that is to say,) one to be appointed, in writing, by the Lieutenant Governor, for the time being, of the said province, or in case of a lease of any of the said mines by such lessees, as aforesaid, who may be interested in the question, another to be appointed, in writing, by the said Association, their successors or assigns, or in case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of one calendar month after being required in writing by the other party so to do, then both the said two indifferent persons to be appointed, in writing, by such other party, and the other of the said three indifferent persons to be appointed, in writing, by the two indifferent persons to be first appointed, as aforesaid. To have and to hold the said beds and seams of coal, mines, powers, authorities, and all and singular other the premises hereby granted and demised, or expressed so to be, unto the said Association, their successors and assigns, for and during and unto the full end and term of twenty-eight years, to commence and be computed from the 1st day of January, 1858. and also for such portion of the next succeed-

ing year as shall elapse previously to the 25th day of August in the same year, being the year 1886, and fully to be complete and ended, yielding and rendering therefor unto our Sovereign Lady the Queen, her heirs, and successors, yearly and every year, on the 1st day of March, during the continuance of this grant or demise, at Halifax, in the said province, or at such other place or places as the Lieutenant Governor, for the time being, of the said province, shall think fit, and, by writing under his hand, appoint through the hands or by the receipt of the Lieutenant Governor, for the time being, of the said province of Nova Scotia, for the use of the said province, the rent or royalty of six-pence, Halifax currency, for every ton of coal of 2240 lbs. (except coal now known in the said province as slack coal, and except coal to be used by the workmen of the said Association, or to be used in carrying on the works or operations of the said Association), which shall, in any and each year, commencing with the said 1st day of January, 1858, and thenceforth during the continuance of this grant or demise, be wrought or gotten forth or out of the said beds or seams hereby granted and demised, or any of them, and sold up to and including the first 250,000 tons which shall be so wrought or gotten and sold in any and each year, and the rent or royalty of four-pence, Halifax currency, for every ton of coal of 2240 lbs., (except as aforesaid) which shall in any and each year, commencing with the said 1st day of January, 1858, and during the continuance of this grant or demise, be wrought or gotten forth or out of the said beds or seams hereby granted or demised, or any of them, and sold over and above the first 250,000 tons, which shall be wrought or gotten and sold in such and the same year; the first payment of the said rents or royalties, hereby reserved, to be made on the 1st day of March, 1859, and the rents and royalties which shall be payable for or in respect of all coal which shall be wrought or gotten and sold during the portion of a year, commencing with the first day of January 1886, and ending with the 25th day of August, 1886, to be paid on the 25th day of October in the same year, 1886. And the said Association, for themselves, their successors and assigns, do covenant with our Sovereign Lady the Queen, her heirs and successors, that the said Association and their successors shall and will well and truly pay or cause to be paid unto our said Sovereign Lady the Queen, her heirs and successors, through the hands or by the receipt of the Lieutenant Governor, for the time being, of the said province, at the times and in manner aforesaid, the said rents or royalties hereby reserved, or intended so to be. And that the said Association, their successors and assigns, shall and will, during the continuance of this grant or demise, keep or cause to be kept one or more book or books of account, wherein true entries shall be made of all such coal as shall from time to time be wrought or got-

ten forth or out of the said beds or seams hereby granted and demised and sold by the said Association, their successors or assigns, or their workmen or servants, on and from the said 1st day of January, 1858, during the continuance of this grant or demise, distinguishing in such accounts large coal from the said slack coal. And that it shall be lawful for the Lieutenant Governor, for the time being, of the said province, or such person or persons as he shall appoint under his hand and seal from time to time, to have free access and liberty to inspect and take copies of the said books of account; and that the said Association, their successors or assigns, shall and will on the 1st Monday in February, or within two calendar months afterwards in every year during the continuance of this grant or demise, deliver or cause to be delivered, unto such Lieutenant Governor, as aforesaid, or to such person or persons as he shall appoint, in manner aforesaid, one or more affidavit or affidavits, to be made by two or more credible persons principally employed in or about the working and management of the said beds or seams hereby granted and demised, that the entries which shall from time to time be made in such book or books of account, as aforesaid, do contain a full and true account of the quantities of all such coal as shall be wrought or gotten and sold in each and every year in all or any part of the premises, which affidavit or affidavits shall be duly sworn before the said Lieutenant Governor for the time being, or before some justice of the peace in the same province. And likewise that the said Association, their successors or assigns, shall and will annually, during the continuance of this grant and demise, lay or cause to be laid before the said Lieutenant-Governor for the time being, upon the oaths of two or more credible persons, principally employed in or about the working and management of the said mines, respectively, a full true and particular account in writing of the numbers, names and situation of the said mines, respectively, and other competent and sufficient descriptions thereof, and also of the numbers, names, and situation, and other competent and sufficient descriptions of all and every the shafts, adits, levels, drains and other works whatsoever belonging thereto respectively, and the several works thereof. And also a full, true and particular account, to be authenticated, as aforesaid, of the number on the average of the two preceding years of persons employed in and about the said mines, respectively, and the works thereof. And also that the said Association, their successors or assigns, shall and will, during the continuance of this grant and demise, keep and have forthcoming, at all seasonable times, to the Lieutenant-Governor, for the time being, of the said province, or such person or persons as he shall in that behalf, by writing under his hand, appoint (with liberty to him and them to make copies of or extracts from the same), and at some convenient place, upon each of the said

areas, the coal mines whereof are hereby granted or demised, or within two miles thereof, respectively, an accurate plan or plans of the mines comprised in such area, and of the workings thereof, and of all the shafts, adits, levels, drains, and other works whatsoever belonging thereto. And also that the said Association, their successors or assigns, shall not, nor will, at any time or times hereafter, during the term hereby granted, assign, transfer or set over, or otherwise part with, the premises hereby granted and demised, or any part thereof, to any person or persons whomsoever, without the license, consent or approbation of our said Sovereign Lady the Queen, her heirs or successors, first had and obtained for the doing thereof, to be signified under her or their signet, or sign manual, or under the sign manual of the Lieutenant-Governor, for the time being, of the said province, or under the great seal of the United Kingdom of Great Britain and Ireland, or of the said province. And also that it shall be lawful for any inspector or inspectors, viewer or viewers, agent or agents, to be by the said Lieutenant-Governor, for the time being, appointed under his hand, at any time during the continuance of this present grant or demise, when, and as any of the shafts of the said mines are at work, to descend by the ropes, rollers, gins, or engines, or other utensils used at any of the said shafts, of or belonging, or which shall belong, to the said mines, respectively, or any of them, into the said mines, shafts or pits, or any of them, to plumbline, view and survey the works thereof, and to view and see that the same are regularly and fairly wrought and carried on, and by the same ways and means to ascend and come up the said mines, shafts or pits, or any of them, and shall and may in the doing thereof, have the help and assistance of the workmen and servants employed in the said mines, or of such other person or persons as he or they shall think fit. And also that the said Association, their successors and assigns, shall and will, from time to time, and at all times during the continuance of this grant or demise, well and effectually maintain and support all and every the working pits, shafts, levels, drifts and watercourses of and belonging to the said respective mines, with all such timber and deals and other materials as shall be requisite or necessary for that purpose, and so as to prevent the same and the roofs of the said Mines from falling in or being otherwise damaged, and shall and will, at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto such person or persons as our said Sovereign Lady the Queen, her heirs or successors, shall appoint, under her or their signet, or sign manual, or under the sign manual of the Lieutenant Governor, for the time being, of the said province, to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundaries, railroads, implements, houses and

buildings, as shall not be attached to the freehold, in such good order, plight, and condition, as fair wrought mines ought to be left, with such timber, deals, and other materials as aforesaid, (such mines as, during the term hereby granted, shall be abandoned by reason of their being unproductive only excepted,) provided always, and it is hereby agreed and declared, and the said Association, for themselves, their successors, and assigns, do accept this grant or demise, under the condition that in case any default shall be made by the said Association, their successors or assigns, in keeping such book or books of account, or in delivering such affidavit or affidavits as aforesaid, or in the payment of the said rents or royalties hereby reserved, for the space of forty-two days after the periods hereinbefore appointed for paying the same; or if the said Association, their successors or assigns, shall omit or neglect, for the space of any one year during the continuance of this grant or demise, to lay before the said Lieutenant Governor, for the time being, such account or accounts in writing, as aforesaid, or to keep and have forthcoming, as aforesaid, such plan or plans, as aforesaid, or shall at any time or times assign, transfer, and set over, or otherwise part with the premises hereby granted, or any part or parcel thereof, to any person or persons whomsoever, for the term above granted, without the license, consent, or approbation of our said Sovereign Lady the Queen, her heirs, or successors, to be signified as aforesaid, contrary to the true intent and meaning of the said covenant or agreement in that behalf hereinbefore contained, then and in every or any of the said cases when the same shall have been adjudged and declared by any six or more of the privy council of our Sovereign Lady the Queen, her heirs or successors, to have arisen or happened, these presents, and all and every the powers and privileges hereby granted, shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding; and it is hereby agreed and declared, and our said Sovereign Lady the Queen doth hereby grant, that during the continuance of the grant and demise hereby made, our said Sovereign Lady the Queen, her heirs or successors, shall not, without the consent in writing of the said association, their successors or assigns, by lease, license, or otherwise, empower or allow any party or parties to work or get and enjoy or sell any coal whatsoever in the said province at a less rent or royalty, or on more favorable terms in any respect, than the rent or royalty and terms respectively reserved by and contained in these presents. And that the said province shall, before the 1st day of January, 1859, pass, and during the continuance of the said grant or demise hereby made, enforce, such legislative enactments, and take such measures, by the appointment of an inspector and otherwise, as may be required to prevent the working of any coal in the said province by

unauthorised persons, and to prevent the sale or export of coal, except the coal which may be sold or exported by the said Association, their successors or assigns, by any party or parties, and except such as may be worked on payment of rent or royalty equivalent to the rent or royalty hereby reserved, and subject to terms not more favorable than the terms hereby granted to the said Association, their successors and assigns. And further, that during the continuance of the grant or demise hereby made, the said province shall not, without the consent, in writing, of the said Association, their successors or assigns, impose any duty on the export of coal.

In witness, &c.

CHAPTER 2.

An Act to extend the operation of certain Grants of Land.

(Passed the 24th day of March, A. D. 1858.)

SECTION.

1. When to take effect.
2. Application of act.
3. Rights not affected.
4. Construction of grants as regards

SECTION.

- Mines and Minerals reserved in them.
5. Construction of conveyances of lands as regards Mines, &c.

Preamble.

Whereas in consequence of a grant and demise made by the Crown to his late Royal Highness the Duke of York and Albany, dated the twenty-fifth day of August in the year one thousand eight hundred and twenty-six, of mines and minerals in this province, the reservation of minerals in grants of land from the Crown since that period have been more extensive than had previously been accustomed, and it being proposed that the said grant and demise shall be surrendered for the benefit of this province, it is proper, in the event of such surrender taking effect, to confer upon the parties entitled to such lands more extended rights in respect of certain minerals therein; and whereas from general words used in the reservation of mines and minerals in the grants of land in this province passed previously to August in the year one thousand eight hundred and twenty-six, doubts may arise and a more extended operation be given to such reservations than is expedient and proper,

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

When to take effect.

1. This act shall not take effect until an act passed in the present session, entitled, "An Act for giving effect to the surrender to her Majesty by the legal personal representatives of the late Duke of York and Albany and by the General Mining Association and their trustee of the mines in Nova Scotia and to the lease of part of such mines to the said Association" shall come into operation nor until her Majesty's pleasure on this act shall be known.

Application of act.

2. This act shall apply to no mines or minerals which at

the time this act shall come into operation shall not by virtue of the surrender or otherwise be vested in the crown or be under the control of the Legislature of this province, nor to any mines or minerals which shall be subject to any grant, sale, lease, or disposition thereof in force and subsisting at the time this act shall come into operation, and shall not effect the then existing rights of any person or body corporate.

Rights not effected.

3. All letters patent under the great seal of this province for granting lands in this province in fee simple by the crown to any person or body corporate, shall, subject to the restriction in the second section, be construed and held as if the mines and minerals reserved in and by and excepted out of the operation of the said letters patent had been limited and confined to gold, silver, tin, lead, copper, coal, iron, and precious stones only, and all other mines, minerals, ores, and earths, including iron stones, lime stones, slate stone, slate rock, gypsum, and clay, contained in the lands granted by such letters patent, excepting only gold, silver, tin, lead, copper, coal, iron, and precious stones, shall, by virtue of this act, be held and taken to have passed in and with the said lands and as part thereof under the said letters patent.

Construction of grants as regards mines and minerals reserved in them.

4. All conveyances and dispositions of any such lands shall be construed and held to convey and dispose of the mines and minerals, the subject of and intended to be effected by this act and comprised within the lands conveyed or disposed of in the same manner as they would have done had those minerals originally passed to the grantees of such lands under the letters patent granting the same, unless that construction be inconsistent with the object and intention of the parties as plainly manifest on such conveyances and dispositions.

Construction of conveyances of lands as regards mines, &c.

CHAPTER 3.

An Act to authorize a Provincial Loan.

(Passed the 24th day of March. A. D. 1858.)

SECTION.

1. Governor empowered to borrow a sum not exceeding £30,000.
2. Money how drawn.

SECTION.

3. Repayment.
4. Accounts, &c., to be laid before committee of Legislature.

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

1. The Governor may cause a cash account to be opened at one or more of the banks in the city of Halifax, and may borrow and receive from such banks such sums of money as may be necessary for the use of the province, in such amounts as may from time to time be required, under such conditions and upon such terms, stipulations, and agreements for the payment and repayment of such monies, and for the management of such accounts, as by the Governor in Council may be estab-

Governor empowered to borrow a sum not exceeding £30,000.

lished, prescribed, and directed, with the consent of the directors of the bank ; or otherwise may borrow and receive from any other persons, corporations, and companies, a sum not to exceed thirty thousand pounds, at the lowest interest at which such loan can be effected.

Money how drawn.

2. The money may be drawn for and received from time to time in such sums and under such restrictions and regulations as may be prescribed by the Governor in Council, with the consent of the lenders thereof.

Repayment.

3. For the repayment of all monies borrowed under this act and for the final payment and discharge of the balance which shall be remaining due and unpaid on the final closing of the accounts with such lender, with interest, the public funds, monies and credits of this province, are hereby pledged and rendered liable.

Accounts, &c., to be laid before Committee of Legislature.

4. An account of all sums borrowed or repaid under this act, with the date of the loans and repayments respectively, shall be laid before the joint committee of the legislature appointed to examine the public accounts, together with the drafts and vouchers relating to the same, at its next session.

CHAPTER 4.

An Act to continue and amend the Laws imposing Customs Duties.

(Passed the 24th day of March, A. D. 1858.)

SECTION.

1. Cap. 12 rev. stat. and acts in amendment thereof continued.

SECTION.

2. Duty on spirits and wine increased.

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

Cap. 12 rev. stat. and acts in amendment thereof continued.

1. Chapter twelve of the revised statutes, "Of customs duties," as amended by chapter two of the acts of one thousand eight hundred and fifty two, and also as amended by chapter nine of the acts of one thousand eight hundred and fifty four, and also as amended by chapter three of the acts of one thousand eight hundred and fifty five, and also as amended by chapter one of the acts of one thousand eight hundred and fifty six, and also as amended by chapter one of the acts of one thousand eight hundred and fifty seven, and also as hereinafter amended, is hereby continued, together with such amendments respectively, until the first day of April one thousand eight hundred and fifty nine.

Duty on spirits and wine increased.

2. An addition of twenty per cent. shall be made to the duties now imposed upon brandy, whiskey, rum, gin, shrub-cordials, and other spirits, and upon wines of all kinds.

CHAPTER 5.

An Act to continue and amend the Law to regulate Distilleries.

(Passed the 24th day of March, A. D. 1858.)

SECTION.

1. Act 15 Vict. cap. 10 continued.

SECTION.

2. Licenses increased.

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

1. The act fifteen Victoria, chapter ten, entitled, "An act for regulating distilleries," as hereinafter amended, is continued until the first day of April in the year one thousand eight hundred and fifty nine. Act 15 Vic. cap. 10 continued.

2. An addition of thirty per cent. shall be made to the charges now payable for licences for distilling intoxicating liquors. Licenses increased.

CHAPTER 6.

An Act to continue the Law imposing Light House Duties.

(Passed the Twenty-fourth day of March, A. D. 1858.)

SECTION.—Rev. Stat. Cap. 22 continued.

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

1. Chapter 22 of the revised statutes "Of Light House duties," is continued until the first day of April in the year one thousand eight hundred and fifty nine. Rev. stat. cap. 22 continued.

CHAPTER 7.

An Act to amend chapter 10 of the Acts of 1857, entitled, "An Act to amend the New Practice Act."

(Passed the 24th day of March, A. D. 1858.)

SECTION.

1. Affidavit of service, &c., before whom sworn and how certified.

SECTION.

2. Penalty for tendering affidavit with false signature.

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

1. Section 6 of the act hereby amended, is repealed.

2. Any affidavit of service of writ or notice or any other affidavit for the purpose of enabling the court or a judge to direct proceedings to be taken against defendants out of the province, may be sworn before any Judge of a Court of Record or Justice of the Peace in any of her Majesty's dominions, or before any Consul General or Consul, Vice Consul or Consular Agent, appointed by Her Majesty at any foreign port or place, Affidavit of service, &c., before whom sworn and how certified.

Penalty for tendering affidavit with false signature.

whose official character and signature shall be certified under the hand and seal of a Notary Public: Provided always, that if any person shall within this province use or tender in evidence any such affidavit with a false or counterfeit signature thereto, knowing such signature to be false or counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to be imprisoned in the provincial penitentiary for a term not exceeding three years nor less than one year, with hard labor.

CHAPTER 8.

An Act further to amend the Act 18th Victoria, chapter 16, relating to the Inspection of Fish.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. No. 3 Salmon.

SECTION.

2. Part repealed.

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

No. 3 salmon.

1. Salmon to be branded No. 3 shall consist of those that remain after the selection of the two first qualities, but must be good fish and in every respect free from taint or rust.

Part repealed.

2. So much of section six of the act hereby amended as relates to No. 3 salmon is repealed.

CHAPTER 9.

An Act to amend chapter 79 of the Revised Statutes, "Of Partnerships."

(Passed the 12th day of April, A. D. 1858.)

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

1. So much of section one and section three of the chapter hereby amended as has reference to the amount of partnership dealings mentioned in such sections is repealed.

CHAPTER 10.

An Act to amend the Act to prevent the destruction of Oysters.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Sessions may make regulations. Pro-
viso.

SECTION.

2. Penalties how recovered.
3. Duration of act.

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

Sessions may make regulations.

1. The sessions may make regulations respecting the taking of oysters in any of the bays, creeks, or rivers of this pro-

vince, and may impose penalties for the breach of such regulations; provided such penalties do not exceed twenty shillings for each offence.

Proviso.

2. The penalties imposed for breach of such regulations may be sued for as private debts of a similar nature by any person who will sue for the same, and when recovered shall be appropriated to the use of the prosecutor.

Penalties how recovered.

3. This act shall be in force for three years, and from thence to the end of the then next session of the general assembly.

Duration of act.

CHAPTER 11.

An Act to carry out the provisions of "An Act to authorize a Loan for the construction of Railways within the Province," so far as relates to the City of Halifax.

SECTION.

1. Interest of one-tenth of railway expenditure to be assessed on city.—
Proviso.
2. Certificates.—Profits.
3. Finan. Sec. to furnish statement of expenditure and interest.

SECTION.

4. Delivery of certificate.
5. In default of assessment sup. court may amerce on application of receiver general or chairman railway-board.

(Passed the 12th day of April, A. D. 1858.)

Whereas by section eight of the act seventeenth Victoria, chapter two, entitled, "An act to authorize a loan for the construction of railways within this province," it was enacted that the city of Halifax should be considered as holding stock in the provincial railway to the extent of one tenth part of the actual expenditures thereon, such tenth part not to exceed in the whole one hundred thousand pounds currency, and should be entitled to participate in the profits of the railway in proportion to the amount of such stock, and should be assessed annually for the amount of interest thereon at the same rate of interest at which the loan contemplated by such chapter should be obtained, also for a proportionate amount of such sum as might be chargeable against the general revenues of this province for the redemption of such loan. And whereas, it was further enacted by such section, that such annual assessment should be made and levied as the Legislature might thereafter direct, and should be paid into the hands of the Receiver General to form a part of the general revenues of the province, and should continue to be so annually assessed, levied, and paid in, until the loan should become extinguished under the provisions of such act. And whereas, a very large expenditure has been made upon the provincial railways, and the interest annually accruing on such expenditure is of considerable amount. And, whereas, the city of Halifax has not been assessed for or paid any proportion of such interest, and it is desirable that an act should pass for the purpose of carrying out the provisions of such eighth section,

Preamble.

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

Interest of one-tenth of railway expenditure to be assessed on city.

1. In addition to the ordinary assessment on the city of Halifax, there shall be assessed and levied upon the city such additional amount as shall be sufficient to pay the proportion of interest due by such city on one tenth part of the actual expenditure on the provincial railway to the thirty-first December last; such proportionate amount to be ascertained and certified by the Financial Secretary and to be by him communicated to the Mayor of the city; such additional amount to be assessed, levied, and collected in the same manner and by the same means as those now employed with reference to the ordinary city assessments, and when so collected, to be paid into the hands of the Receiver General to form a part of the general revenues of this province. Provided that the proportion of interest due by the city on such actual expenditure to the thirty-first day of December last shall be divided into three equal portions and distributed over the years one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, and one thousand eight hundred and sixty, and shall be added in that proportion to the assessments for those years respectively; but nothing herein contained shall exempt the city of Halifax from being assessed for and paying its proportion of interest on the actual expenditures on the railways for one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, and one thousand eight hundred and sixty, as hereinafter mentioned, in addition to the one third of the proportion of interest due on such expenditure to such thirty-first day of December last.

Proviso.

Certificates—
Profits.

2. On the payment of such amount to the Receiver General the Mayor of the city shall be entitled to receive certificates representing one tenth part of the amount so actually expended as before recited, and such certificates shall be in such form as the Governor in council may appoint, and shall entitle the city of Halifax to participate in the profit of the railway to the extent of one tenth of such profits.

Finan. sec. to
furnish state-
ment of expen-
diture and in-
terest.

3. The Financial Secretary shall, on or before the thirty-first day of March in each year, thereafter, furnish the city council with a statement shewing the amount of actual expenditure on the provincial railway for the year ending thirty-first day of December next preceding, and the proportion of interest thereon payable by the city; and such proportion of interest shall be added to the ordinary assessment for the current year, and shall be assessed, levied, and collected in the same manner as the ordinary assessments, and shall be paid into the hands of the Receiver General as hereinbefore directed.

Delivery of
certificate.

4. The Receiver General shall annually, on such payment being made, deliver to the Mayor a certificate as directed in the second section.

5. If the city council shall neglect or delay to make assessments under this act, or to cause the collection and payment of the sums annually assessed as hereinbefore directed, it shall be lawful for the supreme court to amerce the city of Halifax and to enforce the collection of the assessment with the addition of the costs of such application, such application to be made by the Receiver General or the chairman of the board of railway commissioners.

In default of assessment sup- court may amerce on application of rec. gen. or chairman rail way board.

CHAPTER 12.

An Act to amend Chapter 126 of the Revised Statutes, "Of the Supreme Court and its Officers."

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Commencement and duration of terms. Extension. Sittings—commencement and duration of. Extension.
2. Grand and petit jury—attendance of.

SECTION.

3. Inconsistent part of sec. 2 cap. 126 repealed.
4. Ensuing easter term—commencement of, &c.

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

1. After the ensuing easter term of the supreme court at Halifax and the sittings thereafter, the terms and sittings of such court at Halifax shall be held as follows, that is to say : There shall be two terms of such court at Halifax annually—one to commence on the third Tuesday of July, and to continue for two weeks, if the business of the court shall require such continuance ; and the other to commence on the first Tuesday of December, and to continue for four weeks, if the business of the court shall require such continuance ; and the court is authorized to extend each of such terms for a further period of three days, if they shall see fit so to do ; and there shall be two sittings of the supreme court at Halifax annually ; one to commence on the last Tuesday of October, and to continue for four weeks, if business shall require such continuance ; and the other to commence on the fourth Tuesday of April, and to continue for three weeks if the business of the court shall require such continuance ; and the court or the presiding judge is authorized to extend each of such sittings for a further period of three days, if such extension should be deemed necessary, and for such further time as may be requisite in consequence of any trial being protracted beyond the periods now provided.

Commencement and duration of terms.

Extension.

Sittings—commencement and duration of

Extension.

2. The grand jury shall attend at the sittings and shall not be required to attend at the terms of such court ; and all jurors required to attend such sitting shall be subject to the penalties for non-attendance now by law established.

Grand and petit jury—attendance of.

3. So much of section 2 of chapter 126 of the revised statutes, and of the acts in amendment thereof, as is inconsistent with this act is repealed.

Inconsistent part of sec 2 cap. 126 repealed.

Ensuing easter term—Commencement of, &c.

4. The ensuing easter term of the supreme court at Halifax shall be held on the fourth Tuesday of April instead of on the second Tuesday thereof, and the sittings thereafter on the second Tuesday of May instead of the fourth Tuesday of April; and all matters and proceedings pending or to be had therein shall be had and proceeded with, and all jurors, officers, and parties bound to appear thereat shall appear and attend on the fourth Tuesday of April and second Tuesday of May, instead of on the second Tuesday of April and fourth Tuesday of April.

CHAPTER 13.

An Act to provide for the erection of a Court House in Halifax.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Commissioners—appointment of—in-corporation of.
2. Chairman of board of works to convey part of Governor's field for a site.
3. Plans—tenders. &c.
4. Contents of court house.
5. Court of vice admiralty and probate may use the rooms.

SECTION.

6. Funds how procured.
7. Amount borrowed—how repaid.
8. Cap. 3 acts 1857, and cap. 48 acts 1854 repealed.
9. Governor in council may modify act and sell site and procure another more convenient.

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

Commissioners—appointment of—in-corporation of.

1. The governor in council may appoint commissioners for the erection of a court house in the county of Halifax, who shall be a body corporate, by the name of "the commissioners of the Halifax court house."

Chairman of board of works to convey part of governor's field for a site.

2. The chairman of the board of works is authorized to convey to such commissioners so much of that portion of the governor's field vested in such chairman, under chapter twelve of the acts of 1855, as shall be required for a site for such court house.

Plans—tenders, &c.

3. The Commissioners shall cause plans to be procured for the erection of the court house, and when such plans shall have been approved by the governor in council, the commissioners shall advertize for tenders, and shall proceed thereupon to erect such building of brick or stone upon such site, and to finish the same with all possible despatch.

Contents of court house.

4. The court house shall contain two court rooms for the supreme court, with the necessary rooms for bench, bar, and juries, together with a law library and offices for the prothonotary, registrar of deeds, and registrar of probate, and such other county officers as the governor in council may direct.

Court of vice admiralty and probate may use the rooms.

5. The courts of vice admiralty and probate may use the court rooms whenever such use may be necessary, but not so as to interfere with the occupation thereof by the supreme court.

6. The commissioners shall be entitled to receive from the public treasury the sum of three thousand three hundred and thirty-three pounds six shillings and eight-pence, to be applied toward the construction of such court house, and the commissioners shall borrow, on the credit of the county, such further sum, not to exceed six thousand six hundred and sixty-six pounds thirteen shillings and four-pence, as shall be sufficient to complete the court house in accordance with the plans to be approved of as hereinbefore directed.

Funds how
procured.

7. The amount to be borrowed under the preceding section shall be a county charge, and shall be re-paid in ten years by equal annual instalments, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

Amount bor-
rowed—how
repaid.

8. Chapter three of the acts of 1851, and chapter 48 of the acts of 1854, are hereby respectively repealed.

Cap. 3 acts 1851,
and cap 48 acts
1854 repealed.

9. The governor in council, with the assent of the commissioners now or hereafter to be appointed, if they shall see fit, may modify the provisions of this act, and make sale of the site herein referred to, and purchase in lieu thereof a site more convenient and central, and erect thereon a court house of permanent materials with two court rooms and the necessary offices, so as the amounts to be contributed by the public treasury and charged upon the county of Halifax shall not exceed the sums respectively specified in this act.

Governor in
council may
modify act and
sell site and pro-
cure another
more conven-
ient.

CHAPTER 14.

An Act to establish the boundary line between the provinces of Nova Scotia and New Brunswick.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Line of division. Proviso.

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

1. The line of division between the provinces of Nova Scotia and New Brunswick, as defined by the commissioners appointed for that purpose under chapter 54 of the acts of 1836, shall be as follows, that is to say : To commence at the mouth of the Messaquash River in Cumberland Bay, thence following the several courses of such river to a post near Black Island, thence following the line marked on the plan and survey made by Alexander Munro and now deposited in the Crown Land office of this province, north fifty-four degrees twenty-five minutes east, two hundred and eighty-eight chains to the northern angle of Trenholm's Island, thence north thirty-seven degrees east, eighty-five chains and eighty-two links to a post, thence north seventy-six degrees east, forty-six chains and twenty links to the head of the lakes at the portage, thence

Line of divi-
sion.

south sixty-five degrees forty-five minutes east, three hundred and ninety-four chains and forty links to Tidnish bridge, thence following the several courses of the Tidnish river along its northern upland bank to the mouth of such river, and thence following the north-westerly channel to the deep waters of the Bay Verte, securing to the province of Nova Scotia, the navigable waters and control of the Tidnish river. Provided that nothing in this act shall in any way affect any suits at law pending for or in respect of lands which have heretofore been deemed within the province of Nova Scotia.

Proviso.

CHAPTER 15.

An Act further to amend Chapter Forty-six of the Revised Statutes, "Of County Assessments."

(Passed the 7th day of May, A. D. 1858.)

SECTION.	SECTION.
1. Proceedings when amount to be contributed by each district shall have been ascertained.	9. Appraisalment roll to be sent to justices by clerk of the peace, &c.
2. In case inhabitants refuse to appoint assessors, &c., or do not meet.	10. Return of collectors.
3. Duty, &c., of assessors and collectors.	11. Appointment of assessors and collectors in case those first appointed refuse to act.
4. Time in which assessment must be made.	12. Balance of assessment, if not collected, to be added to the next year.
5. Proceedings in case of non-payment of assessment.	13. If no assessment collected.
6. Justices—penalty for neglect, &c.	14. Compensation for collectors.
7. Return of proceedings—penalty for not making one. Recovery of.	15. Expenses of justices.
8. Assessors and collectors—penalty for neglect, refusal, &c. Recovery of.	16. Penalties—disposal of.
	17. Clerk of the peace must enforce payment of penalties. Penalty for neglect, &c.
	18. Application of act.

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

1. After the sessions of the county of Halifax shall have ascertained what portion of the county rates shall be contributed by each district and place in the county, out of the city of Halifax, the clerk of the peace shall send to the senior or some other justice of the peace resident in each district, or to such other justice as the custos shall direct, the amount of the county rates to be borne by such district, and the justice to whom the same shall be sent shall, within twenty days after receiving the same, call a public meeting of the inhabitants, by notice posted up in four or more of the most public places therein for at least seven days before such meeting, at which meeting he shall preside, and the majority of the persons present shall choose three or more competent persons as assessors, and one competent person as collector of county rates for such district.

2. If the inhabitants of such district do not meet at the time and place appointed, or if in attendance they decline to

Proceedings when amount to be contributed by each district shall have been ascertained.

In case inhabitants refuse to

appoint such assessors and collector, within one hour after the time named for holding such meeting, the justice appointed to preside thereat shall himself appoint the required assessors and collector.

appoint assessors, &c., or do not meet.

3. The assessors and collector in each district shall be notified of their appointment by the justice appointed to preside, and after being sworn into office they shall proceed to assess and collect the proportion of the rate to be contributed by the inhabitants of such district respectively, and the said justice shall transmit a copy of this act, with the notice of appointment, to each assessor and collector.

Duty, &c., of assessors and collectors.

4. The assessors in each district shall make their assessment within twenty days after being notified of their appointment, and they shall, within twenty-five days from such notification, furnish the assessment roll to the collector, who shall forthwith proceed to collect from every person therein named the amount assessed upon him.

Time in which assessment must be made.

5. In case any of the parties assessed do not, within thirty days after they have been notified by the collector of the amount of their assessment, pay the same to the collector, any justice of the peace before whom the collector shall make oath that such notice has been duly given, and that the amount has not been paid, shall issue a general warrant of distress against such defaulter, directed to some one of the constables in the county, who shall collect the amount of assessment due by each party named therein, together with ten per cent. on the amount of such assessment and his fees, and shall make a return of his doings thereon to the collector within seven days.

Proceedings in case of non-payment of assessment.

6. In case of neglect or refusal by the justice to call the meeting or to preside thereat, or to appoint assessors or collector as required by the second section of this act, or to notify the assessors and collector, or to swear them if required, he shall pay a fine of twenty pounds, to be recovered in the supreme court in the name of the Queen.

Justices, penalty for neglect, &c.

7. Each of the said justices shall make a return of his proceedings under this act to the first general quarter sessions at Halifax, and in default thereof he shall pay a fine of ten pounds, to be recovered in the supreme court in the name of the Queen.

Return of proceedings—penalty for not making one.
Recovery of.

8. In case of neglect or refusal of any of the assessors or collectors to fulfil the duties of their respective offices, or to qualify themselves by repairing to the residence of the justice appointed to preside at their district meeting, or to any other place appointed by him within the district, and requiring him to administer the oath of office, and taking the same before him, they shall each pay a fine of ten pounds, to be recovered before any two justices of the county by the clerk of the peace in his own name.

Assessors and collectors—penalty for neglect, refusal, &c.

Recovery of.

9. Appraisement rolls, apportionments of assessments, and descriptions defining the limits of the districts and places, and

Appraisement roll, &c., to be sent to justices

by clerk of the peace, &c.

six copies of this act, shall be transmitted by the clerk of the peace to the justice appointed to preside at each district meeting, by mail, within one month after the passing of this act, and after the present year within one month after the apportionment shall have been made, and proof that the documents have been mailed at the post office in Halifax shall be *primâ facie* evidence of their having been received by the justice to whom the same were addressed.

Return of collectors.

10. The collectors after finishing the collection shall return the assessment rolls for their respective districts to the clerk of the peace, with their doings thereon, on or before the first day of December in each year.

Appointment of assessors and collectors in case those first appointed refuse to act.

11. In case any of the assessors or collectors shall neglect to take upon themselves the duties of their office, or to qualify themselves after having received five days notice of their appointment, the justice appointed to preside at the meeting shall appoint others in their stead, who shall be liable to the same penalty for neglect or refusal to do the duties of the said offices.

Balance of assessment if not all collected to be added to the next year.

12. If the whole assessment to be contributed in any one year by a district be not collected and paid over to the county treasurer, the amount remaining unpaid shall be added to the next year's assessment of such district, and collected from such district, with and in addition to such next year's assessment.

If no assessment collected.

13. In case from any cause the assessment be not made in any district and paid over to the county treasurer, either from no meeting having been held or from no assessors or collectors having been appointed, or from any other cause, the amounts of assessments to be contributed by the said district, and all the expenses incurred, by calling the meeting or otherwise, shall be added to the next year's assessment in such district, and collected therewith.

Compensation for collectors.

14. All collectors appointed under the provisions of this act shall, in addition to the five per cent. to which they are at present entitled, receive such further sum for their trouble as the grand jury and sessions shall think reasonable, but no account shall be received by the grand jury and sessions for such extra services unless it be duly certified by the justice appointed to preside at the district meeting to be just and reasonable.

Expenses of justices.

15. All travelling and other expenses incurred by justices in the discharge of their appointed duties under this act shall be paid by the county, subject to the approval of the grand jury and sessions.

Penalties—disposal of.

16. All penalties incurred under this act shall, when recovered, be paid over to the county treasurer for county purposes.

Clerk of the peace must enforce payment of penalties.

17. The clerk of the peace shall, when any fine or penalty is incurred, cause proceedings to be instituted to enforce the payment thereof, for the breach of any of the provisions of

this act, and if he shall neglect to do so within ten days after he shall have been required by the custos or the court of sessions, he shall pay a fine of twenty pounds, to be recovered in the supreme court in the name of the Queen, and in case the clerk of the peace shall neglect to fulfil any of the other duties imposed upon him by this act, he shall pay a penalty of ten pounds, to be recovered as aforesaid.

Penalty for neglect, &c.

18. This act shall only apply to the county of Halifax, and shall not apply to the city of Halifax.

Application of act.

CHAPTER 16.

An Act for the more Summary Trial and Punishment of Petty Offences.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Larcenies under value of £10 and felonies by juvenile offenders—how tried. Exceptions. Proviso.
2. Proceedings after arrest of person.
3. Punishment.
4. Appeal. Informality not to affect proceedings.

SECTION.

5. Proceedings before justices.
6. Writs, &c.—how executed.
7. Conviction.
8. Fees.
9. Incorporated counties and districts.
10. Extension of act.

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

1. A court of general or special sessions in any county or district at which the custos of the county or district and not less than four other justices shall be present, may, in a summary way, hear and try all larcenies when the value of the property stolen shall not exceed ten pounds, and may hear and try trespasses and felonies committed by juvenile offenders under the age of fourteen years, excepting only capital felonies, provided that such trials shall take place at the courthouse of such country or district.

Larcenies under £10 and felonies by juvenile offenders—how tried.

Exceptions.

Proviso.

2. When any person has been arrested and committed to jail by warrant for any offence triable under this act, the jailor shall forthwith notify the sheriff thereof, who shall give notice of the same to the custos, and such custos shall direct the clerk of the peace to summon a special session to meet at a day to be named by him sufficiently distant to permit notice to the prisoner as hereinafter named, and the clerk of the peace shall forthwith, on receipt of such direction, convene such special jurors, and notify the prisoner of the day named for his trial, at least eight days previous to such special sessions.

Proceedings after arrest of prisoner.

3. The justices in general or special sessions as aforesaid shall have power to punish by fine or imprisonment, or both, with or without hard labor, as they shall see fit, but in no case shall they be allowed to fine beyond ten pounds, or to imprison beyond six months, and that only in the county or district jail.

Punishment.

Appeal.

4. Any party feeling aggrieved by the sentence of such justices in general or special sessions, may appeal to the supreme court, or a judge, who may rehear the case, and make such order therein as justice shall require, but offenders convicted before the justices in general or special sessions shall not be allowed to escape punishment from any mere informality in the proceedings, and no relief shall be allowed unless it shall be made to appear by affidavit that injustice would otherwise be done.

Informality not to affect proceedings.

Affidavit required.

Proceedings before justices.

5. The proceedings up to the hearing before the justices in general or special sessions shall be by information and summons or warrant, as in the first section of chapter 169 of the Revised Statutes, and the hearing and all subsequent proceedings shall be the same as in civil cases, except that subpoenas and other writs shall be in the name of the Queen for the defendant as well as the plaintiff.

Writs, &c.—how executed.

6. All constables and peace officers shall be compelled to execute writs and process, as in other cases of proceedings at the suit of the crown.

Conviction.

7. The justices in general or special sessions shall make their conviction and sentence in writing, and shall furnish a copy thereof to the constable or other officer, who shall deliver the same to the jailor in case of a sentence of imprisonment.

Fees.

8. No fees shall be paid or received under this act, but officers and witnesses shall be entitled to remuneration as in other criminal cases.

Incorporated counties and districts.

9. In the case of incorporated counties or districts, the powers conferred under this act shall be exercised by the monthly municipality courts.

Extension of act.

10. This act shall not extend to the city of Halifax.

CHAPTER 17.

An Act further to amend the Act for the Municipal Government of Counties.

(Passed the 7th day of May, A. D. 1858.)

SECTION—Sec. 1 cap. 20 acts 1857 repealed. Council may alter the limits and numbers of districts and the number of councillors, &c.

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

Sec. 1 cap. 20 acts 1857 rep.

1. Section 1 of chapter 20 of the acts of 1857, entitled, An act to amend the act for the Municipal Government of Counties, is repealed, and the following section is substituted in lieu thereof, that is to say: The municipal councils may, if they see fit, alter the limits and increase or diminish the number of electoral districts in their respective municipalities, and the number of councillors to be elected by each district; and in laying off such districts regard shall be had to the population so as to equalise the number of councillors in that respect as far as possible.

Council may alter the limits and numbers of districts, and the number of councillors, &c.

CHAPTER 18.

An Act to amend the Act to authorise Assessments for Railway Damages.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Railway damages under appraisal to be assessed, collected and paid.

SECTION.

2. Jury under 10th Section. Trial.

Whereas doubts have been expressed whether appraisements for railway damages against which no appeal has been asserted, can be assessed and raised under such act as long as other appraisements made at the same time remain in litigation, and doubts have also been raised as to the mode of obtaining the jury contemplated under the 10th section of such act :

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

1. Railway damages under appraisements against which no appeal has been asserted, or which have been determined after appeal, shall be assessed, collected, levied, raised, and paid as soon as possible, and without any needless delay on the above recited ground, or on any pretence whatever.

2. The jury contemplated under the tenth section of the act hereinbefore recited, is and shall be the ordinary petit jury of the supreme court, or a special jury when specially ordered, and the trials shall take place before the court or at sittings in the ordinary manner of trials.

CHAPTER 19.

An Act to provide for the Registry of Warrants to confess Judgment.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Warrants, &c., to be filed within ten days from date. Defeazance to be written on warrant.
2. Prothonotary to keep a book of registry. Fees.

SECTION.

3. Warrants, &c., executed before passage of act—when to be filed.
4. Act—when to come into operation.

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

1. Every warrant of attorney to confess judgment in any personal action, and every cognovit actionem in any such action, and every defeazance or condition to which such warrant or cognovit may be subject, shall, within ten days from the date of such warrant or cognovit respectively, be filed in the office of the prothonotary of the supreme court of the county wherein the person giving such warrant or cognovit resides; and unless such warrant or cognovit, together with the defeaz-

Warrants, &c., to be filed within ten days from date.

ance or condition to which the same may be subject shall be so filed, such warrant or cognovit shall be null and void to all intents and purposes whatsoever. Provided that every defeazance or condition above referred to shall be written on the same paper on which the warrant or cognovit is written, and, in default thereof, such defeazance or condition shall be void.

Defeazance to be written on warrant.

Prothonotary to keep a book of registry.

2. The prothonotary in each county shall keep a book wherein he shall cause to be fairly entered an alphabetical list of every warrant of attorney or cognovit actionem filed in his office under the provisions of this act, containing the names, additions and descriptions of the respective defendants or persons giving such warrants of attorney or cognovits, and also the names, descriptions, and additions of the plaintiffs or persons in whose favor the same shall have been given, together with the number and dates of the execution and filing of the same, and also all other particulars connected with such warrants or cognovits; which book, and every warrant or cognovit so filed, may be searched and viewed by any person during office hours on a fee of one shilling for each search, and the prothonotary shall also be entitled to receive from the party filing each warrant or cognovit the sum of one shilling for entering the same.

Fees.

Warrants, &c., executed before passage of act—when to be filed.
Act—when to come into operation.

3. All warrants of attorney and cognovits executed before the passing of this act, shall be filed as hereinbefore directed within ninety days from this act coming into operation.

4. This act shall come into operation on the first day of August next.

CHAPTER 20.

An Act to further amend the Law relating to Witnesses and Evidence and the Proof of Written Documents.

(Passed the 7th day of May, A. D. 1858.

SECTION.

1. In case the documents are not admitted or requisite, party proving them to pay the cost.

SECTION.

2. When judge shall think that the party declining to admit documents had just grounds, costs to be costs in the cause.

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

In case the documents are not admitted or requisite, party proving them to pay the cost.

1. In cases of written documents exhibited under the law for admission as evidence on trials, and not admitted if the court or a judge who tried the cause or the judge who shall tax the costs, shall be of opinion, on hearing the parties, that the written documents were not required on the trial, and that the party producing or proving them had not reasonable ground for believing they would be required, the party proving the document shall pay the costs thereof, whatever may be the result of the cause.

2. Notwithstanding such written document may have been required, if the court or the judge who tried the cause or the judge who may tax the costs, shall be of opinion on hearing the parties, that the party declining to admit such document had reasonable and just grounds for declining, such party shall not be liable for the cost of proving the written documents absolutely and in any result of the cause, but such costs shall be costs in the cause subject to the ordinary rules.

When judge shall think that the party declining to admit documents has just grounds costs to be costs in the cause.

CHAPTER 21.

An Act to amend Chapter 42 of the Revised Statutes, "Of Clerks of the Peace."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Duration of office.

SECTION.

2. Inconsistent part of amended chapter repealed.

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

1. Clerks of the peace shall continue to hold office until their successors are appointed.

Duration of office.

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

Inconsistent part of amended chapter repealed.

CHAPTER 22.

An Act relating to Trusts and Trustees.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Proceedings on resignation of trustees, &c.

SECTION.

2. Appointment of new trustees.
4. Costs—how paid, &c.

2. Removal of trustees, &c.

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

1. Upon the petition of any trustee appointed by deed, or of any executor appointed a trustee by any last will, asking his discharge from the trust or executorship, a judge of the supreme court may direct such preliminary enquiry, and with such notices to parties interested as he shall think fit, as to the terms upon which the resignation of such trustee or executor should be accepted, and the supreme court may thereafter pass such order for the discharge of such trustee or executor, as a due regard to his wishes and interest, and to the rights and interest of the persons interested in the execution of the trusts may require.

Proceedings on resignation of trustees, &c.

2. A petition may be presented, in like manner, by any person interested in the execution of a trust, asking for the removal of the trustee or executor, and a like enquiry may be thereupon had, and such order passed by the supreme court as a due

Removal of trustees, &c.

regard to the rights and interests of the trustee or executor, and of the parties interested in the execution of the trust may require.

Appointment
of new trustees.

3. The supreme court shall have full power to appoint a new trustee in place of a trustee or executor so discharged or moved, or of any trustee removed from the jurisdiction of the court, or in case of the death, unfitness, or incapacity of a trustee, and upon such terms as to security for the due execution of the trust as shall be deemed necessary; and when, in consequence of such resignation or removal, there shall be no acting trustee, the court, in its discretion, may appoint new trustees, or cause the trust to be executed by one of its officers under its direction.

Costs—how
paid, &c.

4. The court may direct the costs of any proceedings under this act to be taxed and paid out of the trust funds, or otherwise, as they shall think proper.

CHAPTER 23.

An Act to amend Chapter 89 of the Revised Statutes "Of the Settlement and Support of the Poor."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Persons entitled to a settlement on the district.
2. Under age.
3. Settlement of children.
4. Settlement of married women.

SECTION.

5. Settlement to cease on acquirement of a new one.
6. In case of a division of an old or the erection of a new district.
7. Inconsistent part of amended act repealed.

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

Persons entitled
to a settle-
ment on the dis-
trict.

1. Any person who shall have resided in any poor district for five years consecutively after arriving at the age of twenty-one years, and who, during that time, shall not have received aid from the overseers of the poor as a pauper, shall have a settlement on such poor district.

Under age.

2. All persons under the age of twenty-one years who have served an apprenticeship within any poor district to any trade for the space of two years, shall have a settlement therein.

Settlement of
children.

3. The settlement of any legitimate child shall be that of the father, if the father have any; if not, that of the mother, if the mother have any; illegitimate children shall have the settlement of the mother, if their mother have any. But in case a child has no settlement by parentage, the birth place of such child shall be the place of settlement.

Settlement of
married wo-
men.

4. A married woman shall have the settlement of her husband, if the husband have any; if not, her own settlement, if she have any, shall not be suspended by her marriage.

Settlement to
cease on ac-
quirement of
new one.

5. A legal settlement shall cease when a new one is gained, and shall not revive.

6. When a poor district shall be divided or a new district created, the settlement of any person dwelling within such divided or newly created poor district, shall be within the limits of the district in which such person may have dwelt at the time of such division or creation.

In case of a division of an old or the erection of a new district.

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

CHAPTER 24.

An Act further to amend the Act to establish a Normal School.

(Passed the 7th day of May, A. D. 1858.)

SECTION—Salaries of assistant teachers.

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

1. The two assistant teachers of the Normal School shall hereafter receive an annual salary of two hundred pounds each, instead of the amount payable to those officers under section 3 of chapter five of the acts of 1854.

Salaries of assistant teachers.

CHAPTER 25.

An Act to amend Chapter 168 of the Revised Statutes, "Of the administration of Criminal Justice."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

SECTION.

1. Fees on criminal trials for witnesses on the part of the prosecution.

3. County treasurer to pay the amount.
3. Inconsistent part of amended chapter repealed.

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

1. Hereafter all witnesses on criminal trials attending on the part of the prosecution, shall be entitled, under the sanction of the court or a judge, to receive from the county treasurer the same fees for their travel and actual attendance as witnesses in civil suits are now entitled to receive ; such fees to be paid on the certificate of the attorney or solicitor general, Queen's counsel, or officer appointed by a judge to conduct such prosecution, that such witnesses duly attended under subpoena and gave evidence at such trials, and are entitled to receive therefor the amount therein stated, and such subpoenas shall be produced on taxation.

Fees on criminal trials for witnesses on the part of the prosecution.

2. The county treasurer is required, upon the delivery of the prothonotary's certificate, to pay the amount of the fees mentioned therein.

County treasurer to pay the amount.

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

Inconsistent parts of amended chapter repealed.

CHAPTER 26.

An Act to amend the Jury Law.

(Passed the 7th day of May A. D. 1858.)

SECTION—All jury panels declared legal.

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

All jury panels declared legal.

1. All jury panels, whether grand or petit, drawn from any jury lists at the last sittings of the supreme court in the several counties, and all venires and other proceedings connected therewith, are hereby declared legal and valid, notwithstanding the lists from which such panels were drawn may have been from any cause whatever informally or illegally made up; and although the copies of such lists may not have been given to the clerk of the peace and prothonotary or posted as required by law.

CHAPTER 27.

An Act to amend Chapter 48 of the Revised Statutes, "Of Townships and Township Officers."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Penalty against surveyor of highways—how sued.
2. Proof of appointment Neglect to qualify no bar to the action.

SECTION.

3. Persons exempted for being surveyors, &c.
4. Cap. 37 act 1855 repealed.

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

Penalty against surveyor of highways—how sued.

1. If the surveyor of highways shall in any respect neglect or refuse to fulfil the duties required of him by law, the clerk of the peace, when so directed by the court of sessions, shall sue for the penalty incurred by such surveyor at the risk of the county.

Proof of appointment.

2. In any action instituted against a surveyor of highways for neglect of duty, it shall be sufficient to produce proof of his appointment as such surveyor, and a certificate under the hand of the clerk of the peace shall be *prima facie* evidence of such appointment, and it shall be no bar to such action that such surveyor may have neglected to qualify himself by being sworn into office.

Neglect to qualify no bar to the action.

3. Persons over sixty years of age shall be exempt from performing the duties of surveyors of highways, but it shall be incumbent on such persons to prove their age.

Persons exempted for being surveyors, &c.

4. Chapter 37 of the acts of 1855 is repealed.

Cap. 37 act 1855 repealed.

CHAPTER 28.

An Act to amend the Acts relating to River Fisheries.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Cap. 17 act 1853 repealed.
2. Wardens—appointment of, how sworn, &c.

SECTION.

3. Compensation for.

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

1. Chapter 17 of the acts of 1853, entitled, An act to amend chapter 95 of the Revised Statutes, "Of River Fisheries," is repealed. Cap. 17 act 1853 repealed.

2. The sessions in the several counties or districts may appoint wardens of the river fisheries if they shall think such officers necessary ; and such wardens shall be sworn to the faithful discharge of their duties before any general or special sessions, or before a justice of the peace, and the affidavit shall be filed with the clerk of the peace. Wardens—appointment of—how sworn, &c.

3. The grand jury may provide such compensation as they may deem adequate for such wardens, to be confirmed by the sessions, and to form a county charge. Compensation for.

CHAPTER 29.

An Act to amend Chapter 147 of the Revised Statutes "Of Petty Trespasses and Assaults."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Penalty for interrupting an authorized surveyor. Not to prejudice any civil remedy for damage.

SECTION.

2. Surveyors may pass, &c., over any land.

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

1. From and after the passing of this act, if any person shall, in any part of this Province, interrupt, molest, or hinder, any principal deputy surveyor, or other person duly authorized by the Governor, or by order of a Judge, as a land surveyor while in the discharge of his duty as such surveyor, such person shall be deemed to have been guilty of a misdemeanor, and, being convicted thereof before any two justices of the peace of the county where the offence shall have been committed, may be punished by fine or imprisonment, or both, in the discretion of such justices, such imprisonment not to exceed two months, and such fine not to exceed five pounds, without any prejudice to any civil remedy for damages which such surveyor or other authorized person may have against such offender by reason of such offence. Penalty for interrupting an authorized surveyor.

Not to prejudice any civil remedy for damage.

Surveyors may pass, &c., over any land.

2. Any principal deputy surveyor or land surveyor authorized as hereinbefore mentioned, when engaged in the performance of the duties of his profession, may pass over, measure along, trace, and ascertain the bearings of any township line, or the line of any grant or other governing or side line; and for such purposes may, with his assistants, pass over the lands of any person whomsoever, doing no actual damage to such lands; and no action shall lie against any such surveyor or authorized person for any act done under or by virtue of this act.

CHAPTER 30.

An Act for the punishment of certain offences relating to the Army and Navy.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Penalty for assisting deserters or procuring desertion.
2. Penalty for receiving regimental necessaries, &c.
3. Penalty for receiving necessaries from marines or seamen.
4. Recovery of penalties. In city of Hx.
5. Appeal. Examination of witnesses about to leave province.

SECTION.

6. Apprehension of suspected deserters.
7. Warrant required to enter a building in search of deserters. Penalty for resisting warrant.
8. Justice of the peace may issue warrants.
9. Cap. 156 rev. stat. repealed, with exceptions.

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

Penalty for assisting deserters or procuring desertion.

1. Whosoever shall procure or solicit any soldier, seaman, or marine, to desert her Majesty's service, or shall assist any deserter from her Majesty's service in deserting, or concealing himself from such service, knowing him to be a deserter, shall forfeit not less than twenty pounds, nor more than fifty pounds; and in default of payment shall be committed to jail for a term not exceeding twelve months.

Penalty for receiving regimental necessaries, &c.

2. Whosoever shall buy, exchange, or detain, or otherwise receive from any soldier or deserter, any arms, clothing, or furniture, belonging to her Majesty, or any such articles belonging to any soldier or deserter, as are generally deemed regimental necessaries, according to the custom of the army, or shall cause the color of such clothing or articles to be changed, or shall exchange, buy, or receive from any soldier, any provisions without leave, in writing, from the officer commanding the regiment or detachment to which such soldier shall belong, shall forfeit not less than five pounds, nor more than ten pounds, and in default of payment shall be committed to jail for a term not exceeding nine months.

Penalty for receiving necessaries from marines or seamen.

3. Whosoever shall buy, exchange, or detain, or otherwise receive from any seamen or marine, upon any account, whatever, or shall have in his possession any arms or clothing, or any such articles belonging to any seaman, marine, or de-

serter, as are generally deemed necessaries, according to the custom of the navy, shall forfeit not less than fifteen pounds, nor more than thirty pounds, and in default of payment shall be committed to jail for a term not exceeding nine months.

4. All forfeitures incurred under the preceding sections may be recovered, without any reference to the amount of such forfeitures, by summary process before any two justices of the peace, except in the city of Halifax, where the same may be recovered before the Mayor and one Alderman, or the Recorder and one Alderman; and one half of such forfeitures shall in each case be paid to the party on whose information or through whose means the person accused shall have been convicted.

Recovery of penalties.

In city of Hx.

5. An appeal from the decision of such justices or city authorities to the supreme court shall be allowed, on a bond to respond the judgment on such appeal being entered into by the appellant, with two sufficient securities in double the amount of the forfeiture appealed against; and in case of such prosecutions or of such appeals the examination of any soldier, seaman, or marine, liable to be ordered from the province, or of any witness, sick, infirm, or about to leave the province, may be taken *de bene esse* before any commissioner, in like manner as depositions in civil cases are now taken.

Appeal.

Examination of witnesses about to leave province.

6. Any person reasonably suspected of being a deserter from her Majesty's service, may be apprehended and brought for examination before any justice of the peace; and if it shall appear that he is a deserter, he shall be confined in jail until claimed by the military or naval authorities, or proceeded against according to law.

Apprehension of suspected deserters.

7. No person shall break open any building to search for a deserter, unless he shall have obtained a warrant for that purpose from a justice of the peace, such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and any person resisting the execution of any such warrant shall forfeit twenty pounds.

Warrant required to enter a building in search of deserters.

Penalty for resisting warrant.

8. Any justice of the peace, upon information on oath, may issue a warrant against persons charged with any of the offences mentioned in this act as in the case of other criminal offences.

Justice of the peace may issue warrants.

9. Chapter 156 of the revised statutes, "Of offences relating to the army and navy," is repealed, except as to liabilities incurred or prosecutions pending thereunder.

Cap. 156 rev. stat. repealed with exceptions.

CHAPTER 31.

An Act to amend the Act to establish a more equal and just system of Assessment, and the Act in amendment thereof.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Assessments for county and poor rates to be made under cap 46 and 89 rev. stat. In case proceedings under

SECTION.

- the act hereby amended have been taken.
2. Time for completing and making up assessment rolls.

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

Assessments for county and poor rates to be made under caps. 46 and 89 rev. stat.

In case proceedings under the act hereby amended have been taken.

Time for completing and making up assessment rolls extended.

1. For the present year the assessment for county and poor rates in all the counties of this province, which have not carried out the provisions of the act hereby amended, shall be made and collected under chapters 46 and 89 of the Revised Statutes, and in the same manner as if the act hereby amended had not passed ; and in such counties all proceedings of the court of sessions, and of county and town officers, already taken in conformity with such chapters, are legalized and confirmed. And the assessment for poor and county rates in the counties in which such assessment shall have been made only partially in conformity with such act, shall, as to the remaining provisions of such act, be made and collected under such clauses of said chapters 46 and 89, as it shall be necessary to resort to for the purpose of completing and collecting such assessment. And in the last mentioned counties such assessment, and the proceedings thereunder, are legalized and confirmed.

2. The time allowed to the assessors for completing the assessment rolls under section 10 of the act hereby amended, shall be extended from the tenth day of December, as limited in such section, to the tenth day of January in each year ; and the time allowed to the clerk of the peace for making up the assessment rolls under section 13 of the same act, shall be extended to the first day of April in each year.

CHAPTER 32.

An Act to regulate the purchase of Old Marine Stores.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Regulations to be conformed to by all dealers.

SECTION.

2. Punishment for secreting stolen goods.

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

Regulations to be conformed to by all dealers.

1. Every person dealing in the purchase of old marine stores of every description, including anchors, cables, sails,

junk, iron, copper, brass, lead, and other marine stores, shall conform to the following regulations :

First,—He shall not by himself or his agent purchase any old marine stores from any person under the age of sixteen years, under a penalty of twenty shillings for the first offence, and of thirty shillings for every subsequent offence.

Secondly,—He shall not purchase or receive into his stores, premises, or places of deposit, any old marine stores, except in the day time between sunrise and sunset, under a penalty of twenty-five shillings for the first offence, and of thirty-five shillings for every subsequent one.

2. If any old marine stores which had been stolen are found secreted in the premises of any person purporting to be a dealer in such stores, such person shall be guilty of a misdemeanor, and shall be punishable therefor in manner now by law prescribed for such offence.

Punishment
for secreting
stolen goods.

CHAPTER 33.

An Act for regulating the office of Inspector of Mines in this Province.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Duty of.
2. Weigher—appointment of—duties of—compensation for. Returns to Governor, &c.

SECTION.

3. Governor may make regulations, &c
4. Agents of mining association, &c., to give assistance to inspector, &c.
5. Salary of inspector.

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

1. It shall be the duty of the inspector of mines, under the direction of the Governor in council, to exercise a vigilant superintendence over the mining operations of the general mining association, and any other company or persons working mines, or getting coal or minerals of any kind in which this province is interested; and, with a view to the faithful collection of the royalties and revenues of the province, to establish a practical check over the sales, export, and returns of coal and other minerals by such association, company, or persons. He shall, at uncertain periods, and as frequently as he may be instructed by the Governor, visit and inspect all such mines and works, to ascertain that the same are properly conducted, and shall examine the books of account of the said association, companies, and persons, wherein true entries shall be made of all such coal as shall, from time to time, be wrought or gotten forth or out at each mine or place of operation. He shall protect the unleased mines and minerals from encroachment, and shall guard against their unauthorized working, or the illicit sales of coal, and give immediate notice to the Governor of all illegal interference which shall come to his knowledge. And he shall by all means in his

Duty of.

power aid in the protection and developement of the mineral resources of the province. It shall be his duty when the act passed at this session, entitled, "An act for giving effect to the surrender to her Majesty by the legal personal representatives of the late Duke of York and Albany, and by the general mining association and their trustee, of the mines in Nova Scotia, and to a lease of part of such mines to the said association," shall go into operation, vigilantly to see that the provisions of the lease to the general mining association, ratified by that act, are in all things observed, and the duties and obligations of the association thereunder fulfilled, and also that the unauthorized sale of coals by other parties is prevented, in conformity with the terms of that lease.

Weigher—appointment of—duties of—compensation for.

2. The Governor in council may appoint a weigher or other officer, wherever it shall be found necessary, for ascertaining and checking the weight, delivery and shipment of coal, with a reasonable compensation for his services, who shall be under the supervision and direction of the inspector, to whom he shall make certified returns of the quantities weighed, as well as the quantities shipped. The inspector shall make monthly returns to the Governor of the number and names of the vessels employed in exporting coals, the quantities of coal shipped in each vessel, and their destinations, and full annual reports in triplicate, for the information of the legislature, of the proceedings of the year and of the coals raised, shipped, or sold, in each year.

Returns to governor, &c.

Governor may make regulations.

3. The Governor in council shall, from time to time, make regulations and instructions for the protection of the mines and minerals of the province, and the securing and collecting of the royalties and revenues thence arising, and for the government and direction of the inspector and all subordinate officers.

Agents of mining association, &c., to give assistance to inspector, &c.

4. The agents, officers, and workmen employed over or about the works of the general mining association, and for any company or persons who may raise or get coals or minerals of any kind under provincial authority, shall at all times render all assistance and information in their power to the inspector of mines, and all other provincial officers whose duties shall require such assistance and information, in visiting and inspecting the mines and ascertaining the nature and progress of the operations, and in examining and extracting from the said books of account and the plans of the association, company, or persons, at their respective works.

Salary of inspector.

5. The inspector shall be paid for his services a salary of three hundred pounds a year, currency, with his reasonable travelling expenses actually incurred, not in any one year to exceed one hundred pounds.

CHAPTER 34.

An Act to amend the Act to authorize the construction of
Railways in this Province.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Commissioners, &c., must notify possessors of the land, &c.
2. Value of materials how ascertained.— Appointment of arbitrators. Award. Arbitrator's fees.
3. Damages, &c., how paid. Appeal.
4. Damages how recovered.

SECTION.

5. Damages chargeable in County.
6. Persons other than contractors, &c., must furnish owner with a written authority. Person authorizing or acting may be held liable.
7. Fruit and ornamental trees excepted.
8. Amendment of juror's oath.

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

1. Before entering for the purposes mentioned in the eleventh section of the act hereby amended, the commissioners or contractors, or the other persons acting under them, or either of them, shall notify the proprietors or possessors of the lands, and shall carry out such purposes with as little injury as possible consistently with those objects.

Commissioners &c., must notify possessors of the land, &c.

2. In all cases under such eleventh section of the act hereby amended, for entries upon lands and materials taken whether before or after the passing of this act, the recompense for the injury to the land, the value of the earth, stones, and gravel, and the trees, timber, brush, and other materials, dug, cut down, or taken away for railway purposes, and for other damages to the proprietors or possessors, shall be referred to the determination of three arbitrators, one to be chosen by the proprietor or possessor, one by the commissioners or contractors, or persons acting under them, or either of them, and the third on the part of the county, by some justice of the peace residing as near the premises as can conveniently be obtained to act, and not interested in any question of damages; and in case of the absence or neglect, after due notice, of either party, the arbitrator on that part shall be named by some justice of the peace, disinterested, as aforesaid, residing as near the premises as conveniently can be obtained. Two of the said arbitrators may make an award, and the award shall be in writing, signed by the arbitrators making it. The arbitrators shall be entitled to a fee of five shillings, which shall be added to the damages and paid in the first instance by the commissioners, contractors, or persons acting under them.

Value of materials—how ascertained.

Appointment of arbitrators.

Award.

Arbitrator's fees.

3. The damages awarded shall be paid within one month, with interest thereafter, by the commissioners or contractors, or other party acting under them, as aforesaid, as the case may be. Either party, including the arbitrator appointed on behalf of the county, or any justice of the peace on behalf of

Damages, &c., how paid.

Appeal.

the county, may appeal to the supreme court according to the provisions of chapter 13 of the acts of 1857, entitled, An act to authorize assessments for railway damages, or any act in amendment thereof.

Damages how recovered.

4. If appeal shall not be asserted in twenty days after the award, the sum awarded may be sued for and recovered as debts of a like amount are now by law recoverable.

Damages chargeable on county.

5. The damages paid under this act shall be chargeable on the county where the property lies, and shall be assessed, levied, collected, and paid to the commissioners or contractors, pursuant to the provisions of the last mentioned act.

Persons other than contractors, &c., must furnish owner with a written authority.

6. Before any party other than the commissioners and contractors immediately under them, shall be at liberty to enter upon private lands under the eleventh section of the said act, they shall be obliged to furnish the owner or possessor thereof, or leave at his residence, a written authority for such commissioners or contractors authorizing such entry; and thenceforth the owner shall, at his option, be entitled to consider any act to be done, and any liability to be incurred by the party so authorized as the act of the party himself, or of the person or persons whose authority is so given.

Person authorizing or acting may be held liable.

Fruit and ornamental trees excepted.

7. Nothing contained in this act, or any act of which it is an amendment, shall authorize the commissioners or contractors to cut down and carry away any fruit trees, or trees planted or preserved for ornament.

Amendment of juror's oath.

8. The juror's oath in schedule B of chapter 13 of the acts 1857 shall be amended by striking out the following words, that is to say, "and for materials taken from any lands for railway purposes," in the third and fourth lines of such schedule.

CHAPTER 35.

An Act for the Consolidation of the Laws.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Statutes to be published, &c.
2. Statutes repealed.
3. Acts of present session, how published.

SECTION.

4. Rights reserved.
5. Penalties.

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

Statutes to be published, &c.

1. The Governor in council shall cause the statutes consolidated under a resolution passed in the last session, to be published with a copious index, as soon as conveniently can be, and when the same are so published the Governor may, by proclamation, declare the same to be in force, and the same thereupon and thereafter shall be in force.

Statutes repealed.

2. All statutes in force on the first day of this present session shall thereupon and thereafter be repealed, except such acts or parts of acts as have not been substantially incorpora-

ted in the said consolidated statutes, or as shall not have been repealed or have expired.

3. The acts of the present session shall be printed in the same volume as an appendix, with proper references, or be incorporated with the consolidated acts, and shall be included in the index.

Acts of present session—how published.

4. All rights accruing or accrued under any of the statutes so repealed are reserved, and all penalties incurred thereunder shall be enforced as if such statutes had not been repealed.

Rights reserved.

Penalties.

CHAPTER 36.

An Act for securing the Independence of the Legislature.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Persons holding offices of emolument under government not eligible.—
Proviso.
2. After dissolution of assembly no one in office of emolument can hold seat in legislative council. Proviso

SECTION.

3. Member accepting office vacates his seat.
4. Offices to which act does not extend.
5. Members shall not vacate seat on change of office.

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

1. After the dissolution of the present house of assembly no person holding any office of profit or emolument under the provincial government shall be eligible as a member of the general assembly, unless within ten days previously to the holding of the sheriff's court for the nomination of members to serve in such general assembly, he shall resign such office of profit or emolument, and signify such resignation to the Provincial Secretary.

Persons holding offices of emolument under government not eligible.

Proviso.

2. After the dissolution of the present house of assembly no person holding any office of profit or emolument under the provincial government shall continue to hold a seat in the legislative council, unless within thirty days after such dissolution he shall resign such office of profit or emolument, and signify such resignation in writing to the Provincial Secretary.

After dissolution of assembly no one in office of emolument can hold seat in legislative council.

Proviso.

3. Any member of the house of assembly, or legislative council, accepting any such office after the dissolution of the present house of assembly shall vacate his seat thereby.

Member accepting office vacates his seat.

4. Nothing in this act contained shall extend to any one who shall fill any of the following offices, that is to say, Provincial Secretary, Financial Secretary, Receiver General, Commissioner of Crown Lands, Attorney General, Advocate General, Solicitor General, Queen's Counsel, or one member of the Railway Board in each branch of the legislature, nor shall it extend to justices of the peace.

Offices to which act does not extend.

5. Whenever any person holding the office of Receiver General, Provincial Secretary, Financial Secretary, Attorney Ge-

Members shall not vacate seat on change of office.

neral, Solicitor General, Commissioner of Crown Lands, and being at the same time a member of the house of assembly, shall resign his office, and within one month after his resignation accept of any other of such offices, he shall not thereby vacate his seat in such assembly.

CHAPTER 37.

An Act to amend the Act concerning the Elective Franchise.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Residence qualification for voters.
2. Every voter must take annexed oath if required by candidate.

SECTION.

3. Non-resident forfeits ten pounds.—
How recovered.

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

Residence qualification for voters.

1. Hereafter no person shall be entitled or permitted to vote at any election of a member to serve in general assembly by reason of real estate situated in the township or county in and for which he shall desire to vote, or by reason of any property qualification whatever, unless such person for three months next immediately preceding his offering to vote shall have had, and at the time of voting shall have, his actual residence and habitation within the county in which his real estate or property qualification lies, and in which he offers to vote at such election.

Every voter must take annexed oath if required by candidate.

2. Any person offering to vote at any election for a representative to serve in general assembly upon or in respect of the possession of real estate or any property qualification, shall, before he shall be permitted to vote, take the oath in the schedule hereto annexed, if thereto required by any candidate, candidate's officer, or elector, in addition to any other oath he may be bound to take.

Non-resident forfeits ten pounds.

How recovered.

3. Any person who by reason or on pretence or claim of the possession of real estate or any property qualification, shall vote in any county in which, for three months next before the time of his so voting, he shall not have had, and in which at the time of voting he shall not have, his actual residence and habitation, shall forfeit ten pounds, to be recovered as a private debt by any candidate at such election, except the candidate for whom such person voted; or if no candidate shall sue therefor within three months, then after that time by any person who will sue for the same, and in such action it shall only be necessary to prove the fact of the election having been held, and of the defendant having voted thereat, and of his non-residence for three months next immediately preceding such election.

ELECTOR'S OATH.

You, A B, do swear that for three months next immediately preceding this election, you have actually resided and do now actually reside within this county, in which your real estate or property qualification, on which you claim a right to vote, is situated; and that you have not been previously polled or given a vote for any candidate at this election. So help you God.

CHAPTER 38.

An Act for the Management of the Hospital for the Insane.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Title—object.
2. Management—how vested. Term of office of commrs. appointment of.
3. First meeting—how called—proceedings at. Treasurer—appointment of—Salary of.
4. Medical superintendent, steward, matron—appointment and salaries of.
5. Bye-laws. Proviso.
6. Commissioners—powers of—duties of, &c.
7. May hold grant or donation.
8. Not to receive compensation, hold office, or be security.
9. Medical superintendent to reside on premises.
10. Duties of.
11. Admission of patients.
12. Insane paupers—how admitted—maintenance of, &c.
13. In case patients are not paid for.
14. Power of justices of the peace to send insane persons.

SECTION.

15. In case of vacancies board may admit patients.
16. In case of indigent patients whose friends cannot continue to pay.
17. Charges against patients.
18. Discharge of patients. Proviso.
19. Bond for expenses.
20. Medical certificate previous to admission.
21. Medical men not responsible for certificate.
22. President, officers—exemptions of.
23. Commissioners to erect water tanks, &c. May break up streets.
24. Proceeding in case commissioners require land, &c. for the purpose of obtaining a supply of water, and cannot agree with the proprietors for it.
25. Cap. 13 acts 1852, and cap. 24 acts 1853, repealed.

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

1. The title of the institution shall be the provincial hospital for the insane, and its object shall be the most humane and enlightened curative treatment of the insane of this province.

2. The management of the hospital shall be vested in a board of nine commissioners, to be appointed by the Governor in council, who are hereby created a body corporate, by the name of "The commissioners of the provincial hospital for the insane." The term of office of three of the nine commissioners shall expire on the thirtieth day of June, A. D. one thousand eight hundred and sixty, and of three others bi-ennially thereafter, on the same day of the year. The vacancies shall be filled on the same day, or as soon thereafter as can be conveniently done, and retiring commissioners may be re-appointed.

Title—object.

Management—how vested.

Term of office of commrs—appointment of.

The order in which the term of office of the first nine commissioners shall expire shall be determined by lot, and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by appointment for the unexpired term of such commissioner.

First meeting
how called—
proceedings at
Treasurer—ap-
pointment of—
salary of.

3. The commissioners at their first meeting, to be called by the senior commissioner, shall elect a treasurer, who shall give bonds for the faithful discharge of his duties, in such sum and with such securities as may be required by the Governor in council, and shall receive such salary as the commissioners may appoint, subject to the approval of the Governor in council.

Medical super-
intendent—
steward—ma-
tron—appoint-
ment and sala-
ries of.

4. The Governor in council shall appoint a medical superintendent, whose salary shall be three hundred pounds per annum, with the board and lodging of himself and family—and also shall appoint on the nomination of the medical superintendent a steward and matron, whose salaries the Governor in council shall determine.

Bye Laws.

5. The commissioners shall make all needful bye-laws for the government of themselves and the hospital, not inconsistent with this act nor with the laws of the province. But before such bye-laws shall have effect they shall be submitted to and approved by the Governor in council.

Proviso.

Commissioners,
powers of—
duties of, &c.

6. The commissioners shall visit the hospital at stated periods, and shall exercise a careful supervision over its expenditures and general operations. They shall make annually to the Governor, for the information of the legislature, a full account of their receipts and expenditures, and a detailed report of the progress, the condition, and wants of the institution, accompanied by a complete statement and report from the medical superintendent of the subjects under his immediate supervision and control. The commissioners shall have the general control and management of all the property and concerns of the hospital, not otherwise provided for by law.

May hold grant
or donation.

7. The commissioners may take and hold in trust for the hospital any grant devise of land, or any donation or bequest of money, or other personal property, to be applied to the maintenance of insane persons, or to the general use of the hospital, or in such manner as shall have been or may hereafter be devised.

Not to receive
compensation,
hold office, or
be security, &c.

8. No commissioner shall receive any compensation for his services as commissioner, nor shall he hold any office or employment connected with the hospital from which any emolument can be derived, nor shall he be interested, as security or otherwise, in any contract for or on account of the hospital.

Medical super-
intendent to re-
side on pre-
mises.

9. The medical superintendent shall be the chief executive officer of the hospital. He shall be a well educated physician, and shall, with his family, reside on the premises, and devote his whole time to the welfare of the institution.

10. He shall, subject to the approval of the commissioners, engage and discharge all needful attendants and assistants for the care of the insane, and all servants connected with the establishment, and all labourers on the farm, and shall determine their wages and duties, subject to the judgment and control of the commissioners.

Duties of.

11. The admission of insane patients from the several counties of the province shall be in the ratio of their insane population.

Admission of patients.

12. The several constituted authorities having care and charge of the poor in the respective counties, poor districts, and townships, shall have authority to send to the hospital when vacancies occur therein, and when they shall be entitled, under this act, such insane paupers under their charge as are most likely to be benefitted by hospital treatment, that is to say: cases of recent occurrence in preference to those whose insanity has been of longer duration; and those counties, poor districts, or townships, shall be severally chargeable with the expenses of the care and maintenance and removal, to and from the hospital, of such paupers as have obtained a settlement in their respective counties, poor districts and townships. The overseers of the poor, or other constituted authorities, having care or charge of the poor of such counties, poor districts, or townships, as well those then in office as those thereafter coming into office, while the said expenses are accruing, and until the same are fully paid, shall be answerable to the commissioners for the amount from time to time due, as the representatives of the counties, poor districts, and townships, from which the said pauper insane shall have been sent to the hospital. And it shall be the duty of the said overseers of the poor, or other constituted authorities, to cause provision, from time to time, to be made for raising the necessary funds by assessment, as in the cases of other charges for the support of the poor, so that the amounts due to the commissioners for the care of such insane paupers may be punctually paid as the same become due.

Insane paupers how admitted—maintenance of, &c.

13. If the guardian, overseers of the poor, or other parties to whom the expense of any patient who shall be in the hospital is chargeable, shall neglect, or upon demand made shall refuse to pay to the commissioners the expense of the care, maintenance and removal of such patient, and also, in the event of death, the funeral expenses of such patient, the commissioners are hereby authorized and empowered to collect the same as debts of a like nature are now collected.

In case patients are not paid for.

14. If application be made to any two justices of the peace for the commitment to the hospital of any insane person within the county in which such justices have jurisdiction, it shall be the duty of such justices to enquire into the fact of the insanity of such person, in the manner provided by chapter 34 of the acts of one thousand eight hundred and fifty-five, and

Power of justices of the peace to send insane persons.

if satisfied that such person is, by reason of insanity, unsafe to be at large, or is suffering any unnecessary duress or hardship, the justices shall, on such application and proof, commit such insane person to the hospital, provided there be at the time a vacancy for such patient therein, and shall, if necessary, make an order for payment of the expense of the care, maintenance, and removal of such insane person.

In case of vacancies board may admit patients.

15. Whenever there are vacancies in the hospital, the board of commissioners may admit, under special agreement, cases for which admission is sought—a preference being given to those of most recent occurrence, and hence most likely to be benefitted by hospital treatment.

In case of indigent patients whose friends cannot continue to pay.

16. When an insane person in indigent circumstances, whose insanity shall have commenced within a year prior to his or her admission, shall have been sent to the hospital by friends who have paid their bills therein for six months, upon an application under oath in his or her behalf, stating the inability to pay of the parties legally liable for his or her support, the application being endorsed by one of the commissioners of the hospital, the overseers of the poor, or other constituted authorities of the place of legal settlement of such insane person, are authorized and required to raise a sum of money sufficient to defray the expenses of such insane person for one year, and to pay the same to the treasurer of said hospital, and they shall repeat the same for two succeeding years, upon like application, duly verified.

Charges against patients.

17. Indigent persons and paupers shall be charged for medical attendance, board, and nursing, while residents of the hospital, no more than the actual cost, and patients who are not chargeable upon townships, districts, or counties, shall pay according to the terms directed by the commissioners, having relation to the accommodation desired and afforded.

Discharge of patients.

18. The commissioners, (upon the medical superintendent's certificate of recovery, amendment, harmlessness, or unsuitableness), may discharge any patient, except those under a criminal charge, and the parties liable for the maintenance of such patients shall be duly notified of such discharge, and the terms thereof. Provided that patients under a criminal charge shall be discharged only by an order from the Governor in council.

Proviso.

Bond for expenses.

19. Parties committing insane patients to the hospital shall execute a bond, with sufficient security, for payment of expenses, which bond may be sued as often as shall be necessary, and recovery had agreeably to chapter 144 of the revised statutes, "Of summary suits."

Medical certificate previous to admission.

20. Before admission of a patient, there shall be produced a certificate, signed by two legally qualified medical men engaged in actual practice, dated within one month previously, stating that within that time they have personally and sepa-

rately examined such patient; and believe him or her to be insane.

21. No medical man shall be held responsible to any patient or their representatives for any certificate thus granted.

Medical man not responsible for certificate.

22. Resident officers and other employees of the hospital, while actually engaged as such, shall be exempt from militia duty, from serving on juries, from county and township offices, and from performance of statute labour.

Resident officers—exemptions of.

23. The commissioners are authorized to take all proper and necessary steps to ensure to the hospital an ample supply of water, and to cause all such reservoirs, tanks, fountains, leaders, pipes, and tubes, as shall be requisite for that purpose, to be laid and placed at proper and convenient distances below the surface of any of the roads, streets, and highways of the township of Dartmouth, and it shall be lawful for the commissioners, after ten days notice given to the commissioners of streets for the township of Dartmouth, to break up and open such of those roads, streets, and highways, as may be necessary, and to keep the same open for a reasonable time, provided that such commissioners of the hospital shall faithfully and carefully close up, repair, and make good such roads, streets, and highways, or otherwise they shall be liable to defray all expenses that may be incurred by the commissioners of streets in closing up, repairing, and making good the same.

Commissioners to erect water tanks, &c.

May break up streets.

24. Whenever there shall be a necessity for the commissioners to enter upon and take possession of any lands, or lands covered with water, for the purpose of obtaining such supply of water, and they cannot agree with the proprietors of such lands, and lands covered with water, for the sale or lease thereof, as may be required, they may apply to the supreme court in term time, or to any two judges in vacation, by petition, stating the nature and position of the land, with the names of the owners or occupiers, so far as the same can be ascertained, and praying for the appointment of appraisers to value the land, and land covered with water, and the interest and estate therein required by the commissioners, and praying also the transfer, conveyance, and use thereof to such commissioners; whereupon the court or judges shall appoint a time and place for considering such petition, after proper notice in writing given to all parties interested to attend at such time and place to be so appointed for that purpose, and at such time and place such court or judges shall require the commissioners to nominate one appraiser, and the parties interested in such lands, and lands covered with water, to appoint one appraiser, and such court or judge shall appoint a third appraiser, and such appraisers shall be severally sworn to the faithful discharge of their duties before such court or judges, and shall thereupon proceed to make a just and equitable valuation and appraisement of the fair and reasonable value of such lands, or lands covered with water, or of the fair annual rent thereof, and such appraisers, or any

Proceedings in case commrs. require land, &c., for the purpose of obtaining a supply of water and cannot agree with the proprietors for it.

two of them, shall make a return in writing to the prothonotary of the supreme court at Halifax, to be by him filed in his office, and if such court or judges shall, on application of the commissioners, be of opinion that the appraisement or valuation has been fairly and impartially made, they shall by rule or order confirm the same, and thereupon the persons entitled to receive the amount of such valuation or appraisement shall be paid the same by the commissioners, together with such reasonable costs and expenses as such court or judges may direct.

25. Chapter thirteen of the acts of 1852, and chapter twenty four of the acts of 1853 are hereby respectively repealed.

Cap. 13 acts 1852
and cap. 24 acts
1853 repealed.

CHAPTER 39.

An Act to revive and continue the Laws relative to the Militia.

(Passed the 7th day of May, A. D. 1858.)

SECTION—Cap. 29 rev. stat. as amended continued for five years.

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

1. Chapter 29 of the Revised Statutes "Of the Militia," as amended by chapter 34 of the acts of 1854, and also as amended by chapter 10 of the acts of 1855, and also as amended by chapter 36 of the acts of 1856, and also as amended by chapter 6 of the acts of 1857, is hereby revived and continued, together with such amendments, respectively, for five years, and from thence to the end of the then next session of the general assembly.

Cap. 29 rev. sta-
tutes as amend-
ed continued
for five years.

CHAPTER 40.

An Act to amend the Law relating to Commissioners of Streets.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Appointment of additional commis-
sioners.

SECTION.

2. Part of cap. 11 act 1853 repealed.

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

1. The number of commissioners of streets which, by section one of chapter eleven of the acts of 1853, was limited to three for each district, may be increased to such number as the court of sessions may deem necessary; and such additional commissioners shall be recommended and appointed in the same manner as that prescribed in the case of three commissioners under such section.

2. So much of chapter 11 of the acts of 1853, entitled, "An act to amend chapter 64 of the Revised Statutes, "Of commissioners of streets," as is inconsistent with this act, is repealed.

Appointment
of additional
comms.

Part cap. 11 act
1853 repealed.

CHAPTER 41.

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

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Cap. 60 rev. stat. and amendments continued.
2. Allowance for common schools.

SECTION.

3. Undrawn school grants to revert to the general revenues.

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

1. Chapter 60 of the Revised Statutes, "Of Public Instruction," as amended by chapter 25 of the acts of 1854, and by chapter 33 of the acts of 1855, and by chapter 22 of the acts of 1857, and by this act, and also the act 13th Victoria, chapter 36, entitled, An act relating to the Pictou Academy, are hereby respectively continued in force until the first day of May in the year 1859.

Cap. 60 rev. stat. and amendments continued.

2. Section 2 of chapter 22 of the acts of 1857 is repealed, and the allowance for common schools shall be eleven thousand one hundred and seventy pounds, to be applied as specified in chapter 60 of the Revised Statutes.

Allowance for common schools.

3. All sums heretofore granted for grammar schools and undrawn, shall be carried to the credit of the general revenues of the province, and hereafter all grants for grammar schools not drawn during the year for which such sums were appropriated, shall revert to the general revenues.

Undrawn school grants to revert to the general revenues.

CHAPTER 42.

An Act to extend to this Province certain provisions of Part Third of the Merchant Shipping Act, 1854.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Examination for masters and mates of foreign going ships.
2. Appointment of local board examiners—rules for their guidance, &c.—Penalty for breach of rules.
3. Central board—appointment of—functions of.
4. Certificates of competency, how granted. Privileges of holders of certificates.

SECTION.

5. No foreign going ship to go to sea unless master and mates possess certificates. Proviso.
6. Certificates to be recorded. Penalty for altering, &c. any certificate.
7. Fees. Proviso.
8. Cases in which certificate may be cancelled or superseded.
9. Assent of her Majesty required.

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

1. Examinations shall be instituted for persons who are or intend to become masters or mates of foreign going ships, registered in and belonging to this province, in accordance with the provisions of part third of the imperial act, entitled, "The merchant shipping act, 1854."

Examination of masters and mates of foreign going ships.

Appointment of local board of examiners—rules for their guidance.

2. The Governor in council may appoint local boards of examiners at such ports in this province as he may deem necessary, for the purpose of conducting such examinations, and may lay down, for the guidance of such boards, such rules and regulations as respects the examinations and the qualifications of the applicants as shall, as nearly as possible, correspond and be consistent with the rules and regulations in that behalf required by the merchant's shipping act; and such rules and regulations shall in all respects be strictly adhered to by such boards of examiners, under a penalty of twenty-five pounds for any deviation therefrom.

Penalty for breach of rules.

Central board—appointment of—functions of, &c.

3. In addition to the local boards mentioned in the preceding section, the governor in council may appoint a board at Halifax, to be called, "The central board of examiners," and such central board, for the purposes of this act, shall have and exercise the functions of the board of trade, under section 134 of the imperial act hereinbefore referred to, and they shall report half yearly to the board of trade.

Certificates of competency, how granted.

4. The local boards of examiners shall duly examine each applicant in strict compliance with the rules laid down for their guidance in that behalf, and if such applicant shall pass a satisfactory examination as regards his sobriety, experience, ability, and seamanship, a testimonial shall be given to him by such local board to the effect that he is competent to act as master, or as first, second, or only mate of such foreign going provincial ship, and on such testimonial being presented to the central board, such board shall grant a certificate of competency, to the effect that he is competent to act as master, first, second, or only mate of such foreign going ship, as the case may be, and containing the other particulars required by such imperial act, and such certificate shall entitle the recipient to all the rights and privileges enjoyed in that behalf by persons to whom certificates of a similar kind were granted under sections 134 and 135 of the act hereinbefore referred to.

Privileges of holders of certificates.

No foreign going ship to go to sea unless masters and mates possess certificates.

5. When this act shall be in operation twelve months, no provincial foreign going ship shall go to sea from any port in this province, unless the master thereof and the mates thereof have obtained and possess certificates of competency, as provided in the preceding section, but nothing in this section shall apply to provincial ships trading with the United States of America, British American Colonies, or British and Foreign West Indies.

Exemptions.

Certificates to be recorded.

6. All certificates shall be made in duplicate, and one part thereof shall be kept and recorded in the office of the central board, and the other shall be delivered to the party entitled thereto, and every person fraudently procuring, obtaining, or altering any such certificate, or permitting the same to be used by any other person, shall, for each offence, be deemed guilty of a misdemeanor.

Penalty for altering, &c., any certificate.

7. Each applicant for a master's certificate shall pay a fee of forty shillings, and each applicant for a mate's certificate shall pay a fee of twenty shillings to the local board of examiners, one half of such fees to be paid in advance on the application being made, and the other half on receiving the certificate. Provided, that if such applicant shall not pass his examination, he shall forfeit the sum so paid in advance.

Fees.

Proviso.

Cases in which certificate may be cancelled or suspended.

8. If the central board or local board of examiners have reason to believe that any master or mate is, from incompetency or misconduct, unfit to discharge his duties, they may direct any two justices of the peace and one member of the local board to investigate the same, and thereupon such justices may summon such master or mate to appear before them, and shall give him full opportunity of making a defence, and they shall report the result of their investigations to the central board, and such central board shall have power to cancel or suspend the certificate of competency of such master or mate, should the result of the investigation reported to them in their judgment justify such a course. The justices, for the purpose of such investigation, shall have the power of compelling attendance of witnesses.

Justices may compel attendance of witness

9. This act shall not come into operation until her Majesty's assent shall have been signified thereto.

Assent of her majesty required.

CHAPTER 43.

An Act to amend Chapter Two of the Revised Statutes, "Of Executive and Legislative Disabilities."

(Passed the 7th day of May, A. D. 1858.

SECTION.

1. Prothonotaries and judges of probate disqualified from becoming members of the legislative or executive council, or house of assembly.

SECTION.

2. Operation of act when to commence, &c.

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

1. In addition to the persons named in the said chapter, the following persons holding the situations hereinafter mentioned within this province, by themselves or deputies, or by others in trust for them or for their benefit shall be incapable of being appointed to or holding seats in the executive council, or of being appointed to or of sitting or voting in the legislative council, or of being elected as members of or sitting or voting in the house of assembly, that is to say: judges of probate and prothonotaries, and such persons disabled as aforesaid, shall be subject to the operation of the second section of the said chapter.

Prothonotaries and judges of probate disqualified from becoming members of the legislative or executive council, or house of assembly.

2. This act shall not come into operation until the dissolution of the present house of assembly shall have been notified

Operation of act when to commence, &c.

by proclamation in the Royal Gazette, and thereafter no person holding either of the offices mentioned in the preceding section shall continue to hold a seat in the legislative council, unless within one month after the issuing of such proclamation he shall resign such of the above offices as he may then hold, and shall signify his resignation to the provincial secretary; and no person shall thereafter be capable of being nominated or returned at any election of members to serve in general assembly, unless he shall, within twenty days previously to his being nominated a candidate at such election, resign such of the above named offices as he may then hold, and shall signify such resignation to the provincial secretary.

CHAPTER 44.

An Act to amend Chapter 154 of the Revised Statutes, "Of Costs and Fees."

(Passed the 7th day of May, A. D. 1858.)

SECTION—Crier's Fees.

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

1. So much of Chapter 154 of the Revised Statutes as relates to criers' fees is amended as follows:

Crier's fees.

The crier in each county shall receive the sum of six-pence on each bill of costs taxed in such county, in addition to the fees now payable to him under the chapter hereby amended; except in the county of Halifax, where the crier shall be entitled to receive one shilling additional on each taxed bill of costs.

CHAPTER 45.

An Act to amend Chapter 58 of the Revised Statutes, "Of Indians."

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Commissioner and deputies—appointment of.
2. Powers of.

SECTION.

3. Apportionment of provincial grant.
4. Returns.
5. Part of chapter amended repealed.

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

Commissioner and deputies—appointment of.

1. The Governor in council may appoint one chief commissioner for Indian affairs, and such commissioner may appoint a deputy in each of the counties of this province, if he shall consider such appointment essential and necessary.

Powers of, &c.

2. All the powers which, by the chapter hereby amended, were vested in the commissioners to be appointed under such chapter, shall be vested in the officers to be appointed under

this act, and such chief commissioner and his deputies are required to carry out the provisions of such chapter as fully as if the same were herein re-enacted.

Apportionment of provincial grant.

3. The money annually granted by the legislature for the benefit of the Indians shall be paid to the chief commissioner and shall be by him apportioned among his deputies in proportion to the number of families settled and resident in the several counties, provided that no pecuniary relief shall be given to any Indian, but that the amount so granted shall be expended by the chief commissioner, or his deputies under his directions, in purchasing blankets or necessary clothing, and that such articles shall be distributed in such manner and to such extent as may be considered judicious and necessary in the several counties.

Returns.

4. The deputies appointed under this act shall, at the close of every year, furnish to the chief commissioner a return containing all the particulars mentioned in section 9 of the act hereby amended.

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

Part of chapter amended, repealed.

CHAPTER 46.

An Act relating to Fires.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Proceedings on investigations of the origin of fires.

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

1. Whenever any building or property shall be injured or destroyed by fire, and the cause or origin thereof shall not be known, the mayor of the city of Halifax within the city of Halifax, and the custos or any two justices of the peace in other parts of the province, shall cause an investigation to be made to ascertain the cause or origin of the fire, and the same shall take place before the mayor or two or more aldermen in the city of Halifax, or before two or more justices in other places, who shall have power to enforce the attendance of such persons to give evidence before them as they may require, by summons or warrant under their hands and seals, and to examine them under oath, and the proceedings, and all depositions connected therewith, shall be returned to the prothonotary of the supreme court of the county where the fire has taken place, and be filed by him in his office.

Proceedings on investigations of the origin of fires.

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CHAPTER 47.

An Act to regulate Licences for the sale of Intoxicating Liquors.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Clerks of the licence—appointment of, &c. In case of death—refusal to act, &c.
2. No intoxicating liquors to be sold without licence, except in original package and in quantities above ten gallons. Penalty.
3. Licences, how granted, &c.
4. Kinds of.
5. Form of.
6. Duty for—how fixed, &c.
7. Must be paid before licence granted. Bond.
8. Licences free of duty.
9. Justice of the peace prohibited.
10. Registry of licences.
11. Tavern licence. Person holding must put up a sign. Penalty.
12. Penalty for putting up a sign if possessing no licence.
13. Penalties not maintaining good order—gambling, &c.—drinking, &c., on Sundays. Exposing goods for sale. Not having reasonable accommodation.
14. Selling liquors on Sunday.
15. Shop licence—restrictions of, &c.
16. Charges for liquor, &c., not recoverable, &c., if under one gallon. Exceptions.
17. Receiving goods, implements of trade, &c., from servants, &c., or in pawn. Penalty—form of proceedings.
18. Penalty if married women or servants. Proviso.
19. Clerk of the licences may visit premises. Penalty for obstructing him.
20. Accounts of the clerks—when rendered, &c. Licence duties—penalties, &c., to whom paid.

SECTION.

21. Penalties, how recovered, &c. Form of summons—conviction, &c. Prosecutor or defendant may be witness. Proviso.
22. Penalties—disposal of. Exceptions.
23. Appeals, how granted. Form of, &c. Appeal bond. In case of certiorari. In case of new trial.
24. Form of.
25. Penalty in case of non-attendance, &c., of witnesses. How levied. Must be paid their fees.
26. Prosecutor to be indemnified if justice certifies that there was a reasonable ground for the action.
27. Variance between proof and summons not to affect judgment. Justice may continue cause.
28. Sale by wife, child, or servant.
29. Mail carrier not to carry liquor.
30. Sale to a minor.
31. Penalty for selling to intemperate persons after notice.
32. Statement that the liquor was not in original package, &c., not necessary in summons. May be set up as a defense. No particulars required.
33. In case of proof of sale to person not named in summons, suit not defeated. Deficit entitled to continuance.
34. Persons imprisoned not entitled to jail limits, &c., or benefit of cap. 137 rev. stat.
35. Act when to come into operation. Effect on licences for present year.
36. Proceedings in counties, &c., where general sessions have been held.
37. Limitation of actions. Action on appeal bond.
38. Service of summons—what sufficient. Proviso.
39. Suits pending—prosecution of.

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

1. The sessions in each county, upon the recommendation of the grand jury, shall annually appoint as many clerks of the license as they may think fit, and shall define the districts within which they shall exercise their authority, and such clerks of the license shall give bonds to her Majesty, with such sureties and in such penalty as the sessions may direct for the faithful performance of their duties, and shall be sworn into

Clerks of the licence—appointment of, &c.

office; and such officers shall be appointed although no licenses be granted in the county, provided that if the persons so appointed shall die, refuse to act, remove from the county, or from any other cause whatever shall be unable to act, a special sessions for the county shall, upon the requisition of any three freeholders addressed to the Custos requiring him to call such special sessions, meet and appoint a suitable person to fill the office, subject to the conditions above mentioned.

In case of death—refusal to act, &c.

2. No intoxicating liquors shall be sold in quantities less than ten gallons, to be delivered at one and the same time, unless in the original package in which imported, or by license, under a penalty of not less than one pound nor more than twenty pounds for every offence; and no such liquors shall be sold in the city of Halifax without license, unless in the original package in which the same are imported, and when any intoxicating liquors are imported or sold in bottles contained in casks or cases, such casks or cases shall be considered the original packages.

No intoxicating liquors to be sold without license except in original packages, and in quantities above ten gallons. Penalty.

3. Licenses may be granted by the sessions upon the recommendation of the grand jury, except in the city of Halifax and the municipality of Yarmouth, where they may be granted agreeably to the acts incorporating those places respectively, but such recommendations may be rejected in whole or in part by the sessions.

Licenses—how granted, &c.

4. Licenses shall be of the following kinds, viz: Tavern licenses and shop licenses, and in the city of Halifax and town of Pictou there may also be granted general licenses to persons holding tavern or shop licenses.

Kinds of.

5. Licenses shall be in the form in schedule A.

Form of.

6. After the passing of this act the courts of sessions in the various counties, and the city council of Halifax and municipality of Yarmouth, shall fix the amount of duty to be paid for each class of license, and the fees to be paid to the clerk of license and clerk of the peace for issuing the same, and also the commission to be paid to the clerk of license for collecting and paying over such debts.

Duty for—how fixed, &c.

7. Every person to whom a license shall be granted shall, before receiving the same, pay down the whole duties, and shall also enter into a bond with two sureties in the form in schedule B, which bond shall be prepared by the clerk of the licenses, and when executed shall be filed with the clerk of the peace.

Must be paid before licence granted.

Bond.

8. Licenses free of duty or upon payment of a less duty than that by law imposed may be granted to persons living on public roads little frequented, to encourage them in keeping public-houses for the accommodation of travellers.

Licences free of duty.

9. No justice of the peace shall hold a tavern or general license.

Justice of the peace prohibited.

10. The clerk of the peace and clerk of the licenses shall each register in a book to be kept for that purpose a list of

Registry of licenses.

licenses with the dates of such licenses, the names, additions, and residence of the parties so licensed, and a memorandum of the houses or shops for which such licenses were granted, and a statement of the number of bonds taken and of the amount of duties paid; and such books shall be exhibited when required to the sessions and grand jury.

Tavern license—
person holding
must put up
a sign.

Penalty.

Penalty for put-
ting up a sign
if possessing no
licence.

Penalties—not
maintaining
good order—
gambling, &c.,
—drinking, &c.,
on Sundays.

Exposing goods
for sale.

Not having
reasonable ac-
commodation.

Selling liquor
on Sunday.

Shop license—
restrictions of,
&c.

Charges for li-
quor not reco-
verable, &c., if
under one gal-
lon.

Exceptions.

Receiving
goods, imple-

11. If any person holding a tavern license shall not, within ten days after obtaining the same, place a sign on the tavern with his name thereon, importing that liquors are there to be sold, and that entertainment for man and horse can be there had, he shall forfeit a sum not exceeding five pounds; and the neglect to do so for every ten days after, every conviction shall be deemed a fresh offence.

12. If any person not having a license shall place on any building or in the neighborhood thereof, any inscription importing that intoxicating liquors may be had there, he shall forfeit a sum not exceeding five pounds, and every continuation of such inscription for ten days after conviction, shall be deemed a fresh offence.

13. If any person holding a tavern license shall not maintain good order on the premises, or if he shall permit raffling or gambling thereon, or shall on Sunday permit persons other than lodgers or persons coming for necessary victualling only, to remain about the premises drinking or idly spending their time, or where not holding a general license also shall permit anything other than victuals or drink usually consumed in a tavern to be exposed for sale on the premises, or shall not have reasonable accomodation for travellers and their horses, cattle, and conveyances, he shall forfeit his license and a sum not exceeding ten pounds for every offence, in the discretion of the court before which he shall be convicted.

14. If any person holding any license shall sell any intoxicating liquors on Sundays, except in the case of tavern keepers, to lodgers on the premises, he shall incur the like forfeiture as mentioned in the last section.

15. No person holding a shop license only shall sell less than one gallon of intoxicating liquors, to be delivered at one and the same time, or shall suffer any intoxicating liquors to be drunk on the premises where sold, or any such premises to be opened on Sunday, under the same penalty as that mentioned in the thirteenth section.

16. No person shall recover or be allowed to set off any charge for intoxicating liquors, in any quantity less than one gallon, delivered at one and the same time; and all specialties, bills, notes, or agreements, given in whole or in part to secure any such charge shall be void; but nothing herein contained shall extend to any charge made by a person holding a tavern license only against any boarder or traveller.

17. If any person holding a tavern license shall purchase from any servant or common laborer any wearing apparel,

tools, or implements of trade or husbandry, or household, goods or furniture made up, or shall receive from any person any goods in pawn, any justice of the peace upon sufficient proof on oath of the fact, may issue his warrant for restitution of the property and for payment of the costs; and in default thereof for levy and sale of the offenders goods for double the value of the property and costs; and the offenders shall also be liable to a penalty of forty shillings.

18. Married women and servants concerned in any breach of this act shall be liable to the penalty thereto attaching as if they were unmarried women or principals, provided the husbands or masters shall not have been prosecuted for the same offence, and upon any conviction of a married woman or servant under this section, the husband or master shall not be afterwards sued for the same offence.

19. The clerk of the licenses may, whenever he sees fit, visit the premises of persons holding tavern licenses to see that the provisions of this act are complied with, and he shall prosecute all offenders against such provisions, and if any person shall obstruct him in the exercise of his duty he shall forfeit the sum of five pounds, and may also be indicted for a misdemeanor and fined and imprisoned in the discretion of the court.

20. The clerks of the licenses, except in the city of Halifax, shall render a half yearly account to the county treasurer of all duties collected and of all penalties or portions thereof payable into the county treasury which may have come into their hands, together with a statement of all judgments obtained for penalties so far as the same shall have come to their knowledge and which may be unsatisfied; and shall immediately on the receipt of any license duties, penalties, or portions of penalties, pay the same over to the county treasurer, deducting the commission.

21. Penalties under this act may be recovered in the name of any of the clerks of the licenses in their respective districts, or of any other person who will sue therefor, in the same manner and with the like costs as if they were private debts, except that the summons shall be in the form in schedule C, and upon conviction, such conviction shall be endorsed upon or annexed to the original summons in the form of schedule D, and the same when signed by the justices shall be held a valid conviction, and upon the trial of any cause under this act, either the prosecutor or the defendant, if he desire it, or at the instance and request of the other party, may be examined as a witness, provided that when the prosecutor without being called by the other party appears as a witness he shall not retain any part of the penalty, but the whole shall be paid over as directed in the next section.

22. Penalties under this act, except as provided in the pre-

ments of trade, &c. from servants, &c., or in pawn.

Penalty—form of proceeding.

Penalty if married women or servants.

Proviso.

Clerk of the licenses may visit premises.

Penalty for obstructing him.

Accounts of the clerks—when rendered, &c

License duties—penalties, &c. to whom paid.

Penalties, how recovered, &c.

Form of summons—conviction, &c.

Prosecutor or defendant may be witness.

Proviso.

Penalties—disposal of.

- Exceptions.** ceding section, shall be paid one half to the person suing, and the other half into the county treasury, except in the cases of Halifax and Yarmouth where the same shall be paid to the officers now by law authorised to receive such monies.
- Appeals, how granted.** **Form of, &c.** **Appeal bond.** **In case of certiorari.** **In case of new trial.** **Form of.** **Penalty in case of non-attendance, &c., of witnesses.** **How levied.** **Must be paid their fees.** **Prosecutor to be indemnified if justice certifies that there was a reasonable ground for the action.** **Variance between proof and summons not to affect judgment. Justice may continue cause.**
23. Appeals from the decisions of the justices for any penalty or forfeiture incurred under this act, shall be granted in the same manner as in the case of summary trials before justices of the peace, and the defendant shall become bound with two sufficient securities in a sum double the amount of the judgment to prosecute such appeal, and to pay all costs, fines and penalties, that may be imposed and taxed on the final disposition of the suit, and also that during the pendency of the appeal he or she will not violate any of the provisions of this act; and, in the case of certiorari, instead of the bail required in such case the same bond shall be given as in ordinary appeals, and in case of granting a new trial the court may impose such terms on either party as may best promote the ends of justice.
24. The bond to be given on such appeal or on issuing a writ of certiorari, shall be in the same form as that in schedule E.
25. If any person subpoenaed as a witness in any suit or prosecution under this act shall not attend at the time and place mentioned in the subpoena, without just cause to be allowed by the court or justices before whom the suit or prosecution shall be had, or having attended shall depart without permission of the court or justices, or shall refuse to be sworn or give evidence on the trial, he shall forfeit a sum not exceeding ten pounds, to be levied by warrant of distress from the court or justices on the offenders goods, and for want of such distress such person shall be committed to goal for a period not exceeding three months, or until the amount be paid; but no person shall be obliged to attend or give evidence on any such trial until he shall have been paid his fees for travel and attendance.
26. In suits instituted by the clerk of the licenses, where the justice before whom the trial is had shall give judgment for the prosecution, or if he give judgment for the defendant, shall certify there was reasonable ground for commencing the suit, the prosecutor shall be fully indemnified for all costs and expenses on both sides, to be taxed by a judge of the supreme court, and to be levied by assessment or amercement on the county.
27. No judgment shall be withheld on account of variance between the proof and the summons, if it appears to the satisfaction of the justice trying the cause that the defendant was aware of the real cause of complaint; but if the justice see fit for this cause he may continue the trial for another day, and no judgment shall be set aside for any variance, or from any formal objection.

28. Any sale of intoxicating liquors made on the premises of any person by the wife, child, or servant of such person, shall be considered presumptively as the act of the husband, parent, or master, and shall be punished in the same way as if such sale had been made by such husband, parent, or master, in person, and the burthen of proof of innocence shall be thrown on such husband, parent, or master.

Sale by wife,
child or serv't

29. No mail carrier shall knowingly carry in the same waggon or vehicle with her Majesty's mails any intoxicating liquors, under a penalty of not less than twenty shillings, nor more than five pounds, for each offence.

Mail carrier not
to carry liquor.

30. Any person holding a license who shall knowingly sell intoxicating liquor to a minor, upon proof thereof before a justice of the peace, shall forfeit his license, and shall not again be capable of holding a license.

Sale to a minor.

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

Penalty for sell-
ing to intemper-
ate persons af-
ter notice.

32. In any suit instituted for a breach of the provisions of this act, it shall not be necessary to state in the summons that the liquor sold was not contained in the original package in which it was imported, or that the same was sold without license or in quantities ten less than gallons; but the defendant, if claiming to be exempted by the operation of such exceptions, may set up the same as a defence, in which case the burthen of proof shall be thrown upon such defendant, and it shall not be necessary to attach particulars to the summons as in the case of ordinary civil suits, or to specify the particular kind of liquors sold; but in all cases it shall be sufficient in the summons to charge the party accused with having sold intoxicating liquors contrary to law.

Statement that
the liquor was
not in original
package, &c.,
not necessary in
summons.

May be set up as
a defence.

No particulars
required.

33. In any such suit, in case it shall be alleged in the summons that the sale complained of was made to a person

In case of proof
of sale to per-

son not named
in summons,
suit not defeat-
ed.

Defdt. entitled
to continuance.

Persons imprisoned
not entitled to jail
limits, &c., or
benefit of cap.
137, rev. stat.

Act when to
come into operation.

Effect on licenses
for present
year.

Proceedings in
counties, &c.,
where general
sessions have
been held.

Limitation of
actions.

Action on appeal
bond.

Service of summons—what
sufficient.

Proviso.

Suits pending—
prosecution of.

therein named, and on the trial the prosecutor shall fail to prove such charge, but proof shall be given of a sale to another person, the suit shall not thereby be defeated; but the justices shall adjudicate upon the offence so proved as if the same had been alleged in the summons, but in such case the defendant upon application shall be entitled to a continuance of not more than eight days to make his defence, and the prosecutor shall not be obliged again to prove his case, although if he choose, he may bring additional proof in support of the prosecution, as well as proof to rebut the defence.

34. No person imprisoned under execution issued upon any judgment for a breach of this act, shall be entitled to jail limits or to the benefit of chapter 137 of the revised statutes, "Of the relief of insolvent debtors," until he shall have been imprisoned, if for the first offence twenty-five days; for the second offence thirty-five days; and for the third offence forty-five days.

35. This act shall come into operation upon the passing thereof, but parties who have already received licenses for the present year shall be entitled to act under such licenses until the first day of June next, and for any breach of the law shall not be subject to greater penalties than are imposed by the laws under which such licenses were granted, and hereafter all annual licenses shall terminate on the first day of June.

36. In each county and district in which general sessions of the peace have been held, a special sessions shall meet on the first day of June next, for the purpose of issuing licenses to parties already holding the same, and who may desire to continue such license under this act, and such special sessions may fix the amount to be paid for such continuance; and parties renewing their license shall have credit for the proportion payable for the remainder of their license term on account of the new rate then to be fixed; and afterwards in each year the grand jury and sessions shall exercise the jurisdiction heretofore vested in them with regard to granting licenses, except as altered by this act; and the municipality of Yarmouth shall have the same powers hereby vested in the sessions.

37. Prosecutions for offences against this act or suits brought on any appeal bond shall be commenced within six months, and the clerk of the peace or any private prosecutor may bring an action on such appeal bond, without special leave obtained therefor.

38. In case the constable or officer to whom a summons is delivered to be served, shall not be able to effect a personal service, it shall be a sufficient service of the same to leave it at the dwelling house of the defendant, provided the officer makes an affidavit that he believes that the defendant concealed himself, or in any way endeavored to escape service of such summons.

39. Suits now pending for a breach of the license laws

shall and may be prosecuted and defended to judgment and execution under the laws in force at the time of the alleged offence, as if such law had not expired or been in any way modified or repealed.

SCHEDULE A.

County of _____

LICENSE OFFICE,

TAVERN LICENSE.

License is hereby granted to _____ of _____ in the county of _____ to sell and retail in a tavern, to be kept in the house in which he dwells, situate (*here describe particularly the situation of the premises*), intoxicating liquors conformably to law.

This license to remain in force until the end of the next sessions to be held in such county, subject to forfeiture for breach of the law.

Given under my hand as clerk of the licenses for the said county this _____ day of _____ A. D. 18 _____.

A. B., Clerk of the Licenses.

By order of the sessions, security having been given as required by law. _____ C. D., Clerk of the Peace.

County of _____

LICENSE OFFICE.

SHOP LICENSE.

License is hereby granted to _____ of _____ in the county of _____ to sell in a shop to be kept in the building occupied by him, situate (*here describe particularly the situation of the premises,*) intoxicating liquors in quantities not less than one gallon, but no part whereof shall be consumed on the premises.

This license to remain in force until the end of the next sessions, to be held in such county, subject to forfeiture for breach of the law.

Given under my hand as clerk of the licenses for the said county this _____ day of _____ A. D. 18 _____.

A. B., Clerk of the Licenses.

By order of the sessions, security having been given according to law. _____ C. D., Clerk of the Peace.

County of _____

LICENSE OFFICE.

GENERAL LICENSE.

Whereas a tavern license dated the _____ day of _____ in the year 18 _____ has been granted unto _____ of _____ in the county of _____ and whereas, the sessions for such county have also ordered a general license to be granted to the said _____ license is hereby granted to him to vend goods in his tavern during the continuance of his tavern license.

Given under my hand as clerk of the licenses for the said county, this day of A. D. 18

A. B., Clerk of the Licenses.

By order of the sessions.

C. D., Clerk of the Peace.

County of

LICENSE OFFICE.

GENERAL LICENSE.

Whereas a shop license dated the day of A. D. 18 has been granted unto of in the county of And whereas the sessions for such county have also ordered a general license to be granted to the said license is hereby granted to him during the continuance of his shop license, to sell by retail any quantity of intoxicating liquors, to be used in the shop in such shop license described.

Given under my hand as clerk of licenses for said county, this day of A. D. 18

A. B., Clerk of Licenses.

By order of the sessions.

C. D., Clerk of the Peace.

SCHEDULE B.

Know all men by these presents that we are held and firmly bound unto our sovereign lady Queen Victoria, her heirs and successors, in the sum of fifty pounds of lawful money of Nova Scotia; to which payment we jointly and severally bind ourselves, our heirs, executors, and administrators, by these presents, sealed with our seals, and dated the day of A. D. 18

Whereas to the above bounden has been granted a license for the sale by retail of intoxicating liquors in the tavern (*or in the shop*) kept by the said in

Now the condition of this obligation is such, that if the said shall in all respects conform to the laws in force, respecting the retail of intoxicating liquors and connected with such license, then this obligation to be void, otherwise to remain in full force and effect.

[L. S.]

Signed, Sealed, and Delivered, }
in the presence of }

SCHEDULE C.

To any of the constables of

You are hereby commanded to summon A. B. of the county of to appear before us at on the day of to answer to the suit of C. D., clerk of the license for the county of (*if the suit be*

brought in his name) for selling intoxicating liquors to
 within previous to the issuing hereof, contrary to law,
 Witness our hands and seals at the day of
 A. D. 18

E. F., J. P. [L. S.]
 G. H., J. P. [L. S.]

SCHEDULE D.

The within named defendant having been duly summoned
 as mentioned in the annexed writ of summons, was this day
 convicted of the offence of violating the license laws, by sel-
 ling intoxicating liquors without license to upon his
 own confession (*or upon default, or upon the oath of G. H.,*
as the case may be, stating the manner of the party's convic-
tion, and the names of the witnesses who may have been ex-
amined.)

Witness our hands this day of A. D. 18
 C. D., J. P.
 E. F., J. P.

SCHEDULE E.

Know all men by these presents that we and
 are held and firmly bound unto her majesty Queen Victoria,
 her heirs and successors, in the sum of pounds, of
 lawful money of Nova Scotia, to which payment we jointly
 and severally bind ourselves, our heirs, executors, and admi-
 nistrators, by these presents. Sealed with our seals, and dated
 the day of A. D. 18

The condition of the foregoing obligation is such, that if the
 above bounden (*party convicted*) shall prosecute an appeal
 from the judgment given against him for a violation of the li-
 cense laws by a justice (*or justices*) of the peace for
 the county of on the day of and shall
 pay all fines, penalties, and costs, that may be awarded against
 him upon the final disposition of such suit; and also if the
 said shall not, during the pendency of such appeal,
 violate any provisions of the laws respecting licenses for the
 sale of intoxicating liquors, then this obligation to be void,
 otherwise to remain in full force and virtue.

Signed, Sealed, and Delivered, } [L. S.]
 in the presence of }

CHAPTER 48.

An Act to amend an Act which passed at the present Session entitled, An Act for giving effect to the surrender to Her Majesty by the legal personal Representatives of the late Duke of York and Albany, and by the General Mining Association and their Trustee, of the Mines in Nova Scotia, and to the Lease of part of such Mines to the said Association.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Leases, Agreements, &c., when confirmed—operation and effect of—Proviso.
2. Act to regulate the Mines of this

SECTION.

- Province, passed A. D. 1857, repealed as regards Mines demised.
3. Schedule to be taken as part of Act.
4. Indentures to be recorded. Certified copies to be received in evidence.

Preamble.

Whereas, in passing the said Act, a clerical error was made in describing the fifth area or parcel of land comprised and mentioned in the second indenture contained in the schedule of the said act, by omitting the rear line or second course of the said area or parcel.

And certain blanks were left in the said act and in the two scheduled indentures annexed thereto, the information requisite for filling which blanks has been obtained since the passing of the said act.

And for correcting the said clerical mistake and rendering the said act more exact, the said act is hereby altered and amended by being re-enacted with the additions and corrections and in manner following, that is to say:

Whereas an arrangement has been made and entered into between and by or on behalf of her Majesty and the General Assembly of this province, and Christopher Pearse and John George Nutting, as the legal personal representatives of his late Royal Highness Frederick, Duke of York and Albany, and the General Mining Association, for the surrender to her Majesty of all the terms, estates, and interests of the said Christopher Pearse and John George Nutting, and the said Association, and of Mary Ann Rundell and Edmond Strong, as the legal personal representatives of Edmond Waller Rundell, deceased, and a trustee for the said Association, in the mines and minerals in this province, and for granting to the said Association, a new lease of the beds or seams of coal in certain parts of the said province, with full powers for working the same for the term of twenty-eight years, to commence and be computed from the first day of January, in the year one thousand eight hundred and fifty-eight, and also for such portion of the next succeeding year as shall elapse previously to the twenty-fifth day of August, in the same year, being the year one thousand eight hundred and

eighty-six, at certain rents or royalties, and subject to certain other terms, which have been agreed upon. And whereas it is intended that for effecting the said arrangement a certain indenture, already prepared and engrossed, and bearing date the first day of January, in the year one thousand eight hundred and fifty-eight, and expressed to be made between the said Christopher Pearse and John George Nutting, of the first part, the said Mary Ann Rundell and Edmond Strong, of the second part, the said Association of the third part, and her Majesty, of the fourth part, a true copy of which indenture is contained in the schedule hereto annexed, shall be executed by the several parties thereto, of the first, second, and third parts, respectively, by which indenture all the estate, term, and interest, of the said Christopher Pearse and John George Nutting, and of the said Mary Ann Rundell and Edmond Strong, and of the said Association, in the said mines and minerals, are expressed to be surrendered and yielded up to her Majesty, her heirs and successors, and whereby certain releases are expressed to be made concerning the said mines and minerals, and the rents, royalties, and reservations, reserved, or agreed to be reserved, by certain leases and agreements for leases of the said mines and minerals, and also that a certain other indenture, already prepared and engrossed, and bearing date the first day of January, one thousand eight hundred and fifty-eight, and expressed to be made between her Majesty, of the one part, and the said Association, of the other part, a true copy of which last mentioned indenture is contained in the schedule hereto, should be executed by the said Association, by which same indenture all the beds and seams of coal in certain parts of this province are expressed to be demised to the said Association, their successors and assigns, for the said term of twenty-eight years, and such portion, as aforesaid, of another year, at certain rents or royalties, and upon certain terms therein mentioned. And whereas the said two indentures so prepared and engrossed as aforesaid, have not, nor hath either of them, been executed by or on behalf of any of the parties named as parties thereto, but drafts of the same have been duly signed and approved of by Henry Revel Reynolds, Esquire, the solicitor to her Majesty's Treasury, on behalf of her Majesty, and by the honorable James William Johnston and Adams George Archibald, Esquire, delegates appointed under the authority and on behalf of the General Assembly of this province, and by Francis Thomas Bircham, the solicitor of and on behalf of the said Association. And the said indenture of surrender has been duly signed and approved of by Messrs. Farrar, Ouvry and Farrar, the solicitors of and on behalf of the said Christopher Pearse and John George Nutting, and by Messrs. Wilson and Bristows, the solicitors of and on behalf of the said Mary Ann Rundell and Edmond Strong. And whereas, the said arrange-

ment cannot be fully carried into effect without an act of the General Assembly of this Province:

Leases, agree-
ments, &c.
when confirm-
ed—operation
and effect of.

Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, that when and so soon as the said first hereinbefore mentioned indenture shall have been duly executed by the said Christopher Pearse and John George Nutting, or the legal personal representative or legal personal representatives for the time being, of the said Duke of York and Albany, and by the said Mary Ann Rundell and Edmond Strong, or the legal personal representative or legal personal representatives, for the time being, of the said Edmond Waller Rundell, and by the said Association, and the said secondly hereinbefore mentioned indenture shall have been duly executed by the said Association, and when and so soon as the said two several indentures, duly executed as aforesaid, shall have been delivered to the Lieutenant Governor, for the time being, of this province, then, and in such case, and notwithstanding the same indentures shall not have been executed by or on behalf of Her Majesty, but not before all the said executions hereinbefore mentioned shall have been duly effected, and the said two several indentures shall have been delivered to the said Lieutenant Governor, as aforesaid, the said two several hereinbefore mentioned indentures shall respectively thereupon stand and be absolutely confirmed by the General Assembly of this province, and the said first mentioned indenture shall operate and enure as an effectual surrender of all the terms, estates, and interests thereby expressed to be surrendered, and an effectual merger and extinguishment thereof in the reversion and inheritance, and as effectual releases of all the claims and demands thereby expressed to be released, according to the tenure and purport of the same indenture, and the said secondly mentioned indenture shall operate and enure as a valid and effectual grant, lease, and demise of all the premises thereby expressed to be granted, released, and demised for the term, at the rents, royalties, and reservations, and with, under, and subject to the covenants, agreements, conditions, and provisoes by and in the same indenture respectively granted, contained and reserved, or expressed so to be, according to the tenor and purport of the same indenture, and that when and so soon as all the said executions hereinbefore mentioned, shall have been duly effected, as aforesaid, and the said two several indentures shall have been delivered to the said Lieutenant Governor, as aforesaid, the same indentures shall respectively operate and take effect as from the said first day of January, one thousand eight hundred and fifty-eight, and as if the same had been duly executed the same day by all the parties named as parties thereto, respectively, including her Majesty, and had been delivered to the said Lieutenant Governor, as aforesaid, on the same day. Provided always, and it is hereby further enacted, that if the

said two several indentures shall not be respectively duly executed, as aforesaid, and delivered to the said Lieutenant-Governor, as aforesaid, during the year one thousand eight hundred and fifty-eight, then, and in that case, the same indentures and the enactments hereinbefore contained, shall be absolutely void and of none effect.

2. And for giving more full effect to the said lease of the first day of January, in the year one thousand eight hundred and fifty-eight, be it further enacted, that in case the said two several indentures shall be respectively executed, as aforesaid, and delivered to the said Lieutenant Governor, as aforesaid, during the year one thousand eight hundred and fifty-eight, the act to regulate the mines of this province, which was passed on the fourth day of April, one thousand eight hundred and fifty-three, and received the royal assent on the twenty-fourth day of October, one thousand eight hundred and fifty-three, shall be, and the same is hereby repealed, so far as relates to the coal mines expressed to be demised by the same lease, and during the continuance of the term expressed to be thereby granted, but not further or otherwise.

3. And be it enacted, that the schedule to this act shall be read and taken as part of this act.

4. And be it further enacted, That when and so soon as conveniently may be, after the said two several indentures shall have been respectively executed, as aforesaid, and delivered to the said Lieutenant Governor, as aforesaid, the same indenture first above mentioned shall be recorded in the registry of deeds at Halifax, in the said province, and the indenture secondly herein mentioned shall be recorded in the registry of deeds in each of the counties in which the respective areas comprised in the said lease are situate; and this act, or certified copies of and extracts from the registry of the same indentures respectively, under the hand of the proper officer, shall be admitted as evidence of the contents and due execution of the same indentures, respectively, in all courts of law and equity, or other judicature.

(SCHEDULE.)

This Indenture, made the 1st day of January, in the year of our Lord 1858, between Christopher Pearse, of No. 35 Lounds Street, Belgrave Square, in the County of Middlesex, Esquire, and John George Nutting, of No. 3 Gloucester Terrace, Hyde Park, in the same County, Esquire, of the first part part; Mary Ann Rundell, of Moncton House, near Taunton, in the County of Somerset, widow, and the Reverend Edmond Strong, of the Parish of Clyst, Saint Mary's, in the County of Devon, Clerk, of the second part; the General Mining Association, of the third part, and the Queen's Most Excellent Majesty, of the fourth part.

Whereas, by letters patent, bearing date the 25th day of August, 1826, being in the form of an indenture made or ex-

Act to regulate the mines of this Province. passed A. D. 1853, repealed as regards mines demised.

Schedule to be taken as part of act.

Indentures to be recorded.

Certified copies to be received in evidence.

pressed to be made between his late Majesty King George the Fourth, of the one part, and his late Royal Highness Frederick, Duke of York and Albany, of the other part, his said late Majesty King George the Fourth granted and demised certain mines and minerals in the province of Nova Scotia, unto the said Duke of York and Albany, his executors, administrators, and assigns, for the term of 60 years, from the day of the date of the said letters patent, at the rents or royalties therein mentioned. And whereas by an indenture of underlease, bearing date the 12th day of September, 1826, and made between the said Duke of York and Albany, of the one part, and John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, all since deceased, of the other part, the said Duke of York and Albany granted and demised the same mines and minerals unto the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, their executors, administrators, and assigns, for the then residue of the said term of sixty years, except the last day thereof, at the rents or royalties therein mentioned. And whereas, in the reign of his late Majesty King William the Fourth, an agreement was entered into between his said Majesty's then Secretary of State for the colonies, on behalf of the Crown, and the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, for a grant or lease from the Crown to them the said John Bridge, Edmond Waller Rundell, Thomas Bigge and John Gawler Bridge, of certain mines and minerals in the said province, which were not included in, or were excepted out of, or were alleged not to be included in or to be excepted out of the said letters patent and indenture of underlease, respectively, at certain rents and royalties, but no grant or lease was ever executed in pursuance of the said agreement. And whereas, the said Association became absolutely entitled to all the beneficial estate and interest under the said indenture of the 12th day of September, 1826, and the said agreement, but no assignment to them of the premises comprised therein respectively, or any part thereof, has ever been executed. And whereas, the said Association has worked various coal mines under or by virtue of the said indenture of underlease and the said agreement respectively. And whereas, the said Frederick, Duke of York and Albany, died in the month of January, 1827, having duly made his last will, bearing date the 26th day of December, 1826, and thereby appointed Sir Herbert Taylor and Sir Benjamin Charles Stephenson his executors, by whom the said will was, on or about the 30th day of January, 1827, duly proved in the prerogative court of the Archbishop of Canterbury. And whereas, the said Sir Benjamin Charles Stephenson survived the said Sir Herbert Taylor, and died on the 10th day of June, 1839, intestate. And whereas, on the 19th day of February, 1840, letters of administration to the estate and effects of the said Duke of

York and Albany, then left unadministered, were granted to the said Christopher Pearse and John George Nutting by the prerogative court of the Archbishop of Canterbury. And whereas, on the 27th day of May, 1851, letters of administration to the estate and effects of the said Duke of York and Albany, in the said province of Nova Scotia, were granted to Lawrence Hartshorne, as the attorney and on the behalf of the said Christopher Pearse and John George Nutting, as such administrators as aforesaid, by the proper court in the said province, and by an indenture bearing date the 5th day of February, 1852, and made between the said Lawrence Hartshorne, of the one part, and the said Christopher Pearse and John George Nutting, of the other part, the said mines, minerals, and premises, comprised in and granted and demised by the said hereinbefore recited letters patent, were assigned by the said Lawrence Hartshorne unto the said Christopher Pearse and John George Nutting, their executors, administrators, and assigns. And whereas, many years ago, disputes arose between the said Sir Herbert Taylor and Sir Benjamin Charles Stephenson as the legal personal representative of the said Duke of York and Albany and the said Association, concerning the rents and royalties payable under or by virtue of the said indenture of the 12th day of September, 1826, and suits were instituted in the high court of chancery by the said Sir Herbert Taylor and Sir Benjamin Charles Stephenson as such legal personal representatives as aforesaid, against the said Edmond Waller Rundell and others, for determining such disputes, and suits of revivor and supplement have since been instituted in relation thereto. And whereas, an agreement for compromising the said disputes was entered into between the said Christopher Pearse and John George Nutting and the said Association, with the approbation of the legal advisers of Her present Majesty, Queen Victoria, and with the approbation of the said court of chancery in the said suits, and in certain suits instituted in the said court for administering the estate of the said Duke of York and Albany, and the terms of such agreement were expressed in an indenture, bearing date the 29th day of May, 1849, and made between the said Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, of the first part, the said Association, of the second part, the said Christopher Pearse and John George Nutting, of the third part, and Robert Moser, Alfred Charles Bridge and Henry Warre, of the fourth part, and such terms were in part to the effect that the said letters patent bearing date the 25th day of August, 1826, and the said indenture of underlease of the 12th day of September, 1826, and the said agreement entered into in the reign of King William the Fourth, for a lease from the crown hereinbefore respectively recited or mentioned, should be surrendered to Her Majesty, and that a new lease of the said mines should be granted by her Majesty

to the said Christopher Pearse, and John George Nutting, as such legal personal representatives as aforesaid, at certain rents or royalties, and that a new underlease of the same mines should be granted by the said Christopher Pearse and John George Nutting to the said Association, at certain rents or royalties, and further, that in the meantime and until such lease and underlease should be granted, the said Association should invest the rents and royalties which would be payable as part of the estate of the said Duke of York and Albany, if such lease and underlease had been actually granted in the purchase of Bank £3 per cent. annuities, and should accumulate the dividends thereof. And whereas the terms of the said agreement were afterwards modified with the approbation of the said court in the said suits. And whereas, it became impracticable to carry the said agreement into effect by reason of the provisions of the act of the General Assembly of the said province of Nova Scotia, intituled, "An act for transferring the crown revenues of Nova Scotia and providing for the civil list thereof," which was passed on the eighth day of March, 1849, and received the royal assent on the 29th day of June, 1849, and whereby the right and title of her Majesty in and to the said mines and minerals and the rents and royalties payable for or in respect of the same, were assigned, transferred, and surrendered to the disposal of the general assembly of the said province, without making any provision for carrying out the said agreement. And whereas, the said Edmond Waller Rundell survived the said John Bridge, Thomas Bigge, and John Gawler Bridge, and died, on the 10th day of February, 1857, having first duly made and signed his last will and testament in writing, bearing date on or about the 19th day of October, 1853, and thereof appointed the said Mary Ann Rundell and Edmond Strong, executrix and executor respectively, who, on or about the fifth day of March, 1857; duly proved the said will, together with a codicil thereto, in the prerogative court of Canterbury. And whereas, with a view to a final settlement of all matters in difference between the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, and the said Association, it has been agreed between them, with the approbation of her Majesty, and of the said court in the said suits, so instituted as aforesaid, that the said Association should purchase for the sum of £120,000 all the term, estate, and interest whatsoever of the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, whether under or by virtue of the said letters patent of the 25th day of August, 1826, or the said indenture of underlease of the 12th day of September, 1826, or the said indenture of the 29th day of May, 1849, or the modifications of the agreement expressed therein, or otherwise howsoever, of and in all the mines, minerals, and premises in the said province

of Nova Scotia, comprised in and demised by the said indenture of underlease, or forming the subject of the said indenture of the 29th day of May, 1849, or the modifications of the agreement expressed therein, and of and in the rents, royalties, reservations, and payments payable in respect of the same, and of and in all the bank annuities in which any of the said rents, royalties, reservations, and payments have been invested, and the accumulation thereof. And the said Christopher Pearse and John George Nutting, and the said Mary Ann Rundell and Edmond Strong, at the request of the said Association, have agreed to make and execute the surrender hereinafter on their part contained. And whereas, all the rents, royalties, and reservations, which have become payable to her Majesty for or in respect of the said mines and minerals, or any of them, up to and including the 31st day of December, 1857, have been duly paid and satisfied. And it has been agreed that the releases hereinafter contained should also be executed; it being understood and agreed that an act of the general assembly of the said province of Nova Scotia will be passed and assented to by her Majesty for confirming and giving more full effect to these presents:

Now this indenture witnesseth, that in pursuance of the said agreement in this behalf, and in consideration of the sum of £120,000 to the said Christopher Pearse and John George Nutting, by the said Association, paid at or immediately before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, and for other the considerations hereinbefore recited, the said Christopher Pearse and John George Nutting, and the said Mary Ann Rundell and Edmond Strong, at the request and by the direction of the said General Mining Association (testified by their execution of these presents,) and the said General Mining Association, according to their several and respective estates and interests in the premises, do each, and every of them doth, surrender, release, and yield up unto the Queen's Most Excellent Majesty, her heirs and successors, all the mines, minerals, powers, and premises whatsoever, comprised in and granted or demised by the said hereinbefore recited letters patent of the 25th day of August, 1826, and all the mines, minerals, and premises agreed to be granted or demised by or forming the subject of the said agreement, entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown as hereinbefore is mentioned. And all the estate, right, title, interest, claim, and demand whatsoever, either at law or in equity, of the said surrendering parties and every of them, in, to, and out of the said premises, to the intent that the several residues now unexpired of the said term of sixty years, granted by the said letters patent, and of the said term of sixty years wanting one day, granted by the said indenture of underlease, and all the interest agreed to be granted by the

said agreement entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown, and all other the estate, term, and interest of the said surrendering parties, and every of them, in the mines or minerals in the said province of Nova Scotia, and every part thereof, may be merged and extinguished in the reversion and inheritance of the said premises. And this indenture further witnesseth, that in consideration of the premises, our said sovereign lady the Queen, of her especial grace, certain knowledge, and mere motion, doth acquit, release, and for ever discharge the said Christopher Pearse and John George Nutting, their heirs, executors, and administrators, and the estate and effects of the said Duke of York and Albany, and also the said Mary Ann Rundell, and Edmond Strong, respectively, their respective heirs, executors, and administrators, and the estates and effects of the said John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, respectively, and also the said Association and their successors, of and from all and all manner of actions, suits, extents, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims, and demands whatsoever, which either at law or in equity our said Sovereign Lady the Queen, her heirs or successors, now hath or have, or hereafter shall or may or otherwise could or might have, under or by virtue of the said hereinbefore recited letters patent and underlease, or the said hereinbefore mentioned agreement, entered into in the reign of his late Majesty King William the Fourth, for a lease from the crown, or the said indenture of the 29th day of May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid, or any of them, or in any wise relating to the premises. And this indenture further witnesseth, that in consideration of the premises the said Christopher Pearse and John George Nutting, do, and each of them doth, acquit, release, and for ever discharge the said Mary Ann Rundell and Edmond Strong, respectively, their respective heirs, executors, and administrators, and the estates and effects of the said John Bridge, Edmond Waller Rundell, Thomas Bigge, and John Gawler Bridge, respectively, and also the said association and their successors, of and from all and all manner of actions, suits, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims, and demands whatsoever, which, either at law or in equity, they, the said Christopher Pearse and John George Nutting, as such legal personal representatives as aforesaid, or either of them, or the heirs, executors, or administrators of them, or either of them, or the legal personal representative, or legal personal representatives, for the time being, of the said Duke of York and Albany, have or hath or hereafter shall or may or otherwise could or might have, under or by virtue of the said hereinbefore recited un-

derlease, or the said indenture of the 29th of day May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid; or in anywise relating to the premises. And this Indenture further witnesseth, that in consideration of the premises, the said Mary Ann Rundell and Edmond Strong, at the request and by the direction of the said Association, (testified as aforesaid), and the said Association do and each of them doth acquit, release, and for ever discharge the said Christopher Pearse and John George Nutting, and each of them, and the heirs, executors, and administrators of them, and each of them, and the estates and effects of the said Duke of York and Albany, Sir Herbert Taylor, and Sir Benjamin Charles Stephenson, respectively, of and from all and all manner of actions, suits, accounts, reckonings, sums of money, rents, royalties, reservations, costs, charges, expenses, claims and demands whatsoever, which, either at law or in equity, the said Mary Ann Rundell and Edmond Strong his heirs, executors, or administrators, or the said Association or their successors or assigns, hath or have, or hereafter shall or may, or otherwise could or might have, under or by virtue of the said hereinbefore recited underlease, or the said Indenture of the 29th day of May, 1849, or the modifications made in the agreement therein expressed, or by reason of the said suits instituted as aforesaid, or any of them, or in anywise relating to the premises.

In witness, &c.

This Indenture, made the first day of January, 1858, between the Queen's Most Excellent Majesty, of the one part, and the General Mining Association, of the other part, WITNESSETH:

That in consideration of certain surrenders and releases, effected and contained in and by a certain indenture, bearing even date with these presents, and made or expressed to be made between Christopher Pearse and John George Nutting, of the first part, Mary Ann Rundell and Edmond Strong, of the second part, the said Association, of the third part, and her Majesty, of the fourth part, and in consideration of the rents and royalties hereby reserved, and of the covenants and agreements herein contained, and on the part of the said Association, their successors, and assigns, to be observed and performed, our said Sovereign Lady the Queen, of her especial grace, certain knowledge, and mere motion, doth grant and demise unto the said Association, their successors, and assigns, all and singular the beds and seams of coal, whether opened or unopened, within, under, or upon, the six several tracts of land hereinafter described, that is to say:

First, within, under, or upon, all that tract in the island of Cape Breton, which comprises the works of the Association on or near Sydney Harbour and on or near Point Aconi; and

is bounded as follows, that is to say : Beginning at Stubbert's Point above Indian Cove on the northern shore of Sydney Harbour, thence running in a northerly direction, and crossing the Little Bras d'Or to the head of Mill Pond on Boularderie Island, where the Aconi Brook enters into said Pond, thence northerly by the eastern side of said pond to the sea shore, and round Point Aconi and north-eastwardly by the shore, crossing the little entrance of the Bras d'Or round Cranberry Head, and thence along the northern shore of Sydney Harbour to the place of beginning.

Secondly, within, under, or upon all that tract in the island of Cape Breton, which lies on the southern side of Sydney Harbour, and comprises the works of the Association at Langan on the north side of Bridgeport Harbour, and is bounded as follows, that is to say: Beginning on the southern side of Sydney Harbour at McPhee's Brook or Ferry; thence running in a southerly direction to the mouth of the north-west Brook, so called, which empties into Bridgeport Basin; thence by the northern shore of said Basin to Indian Bay, and by the shore of the said bay eastwardly to the "North Head" on the sea shore; thence northwardly and westwardly by the sea shore and Sydney Harbour to the place of beginning.

Thirdly, within, under, or upon all that tract in the island of Cape Breton which lies on the southern shore of Indian Bay or Bridgeport, and comprises the ancient works of the Association on the southern side of Bridgeport, and is bounded as follows, that is to say: Beginning at a point on the southern shore of Indian Bay at the distance of 25 chains, westwardly by the shore from Level Mouth (so called); thence south $35^{\circ} 45'$ west (being parallel to the outcrop of the coal seam on this tract) 98 chains to a tree marked as a corner bound; thence south $54^{\circ} 15'$ east 102 chains and 30 links to a squared post on the east side of Caddigan's or Cadougan's Brook, thence parallel with the line first described 131 chains, or to the shore of Dead Man's Cove at a point distant 5 chains, eastwardly by the shore of said cove from the mouth of said brook; thence westwardly by the shore of said cove and Indian Bay to the place of beginning, comprising an area by measurement of two square miles.

Fourthly, within, under, or upon all that tract near New Glasgow in the county of Pictou, and comprising the works of the Association known as the Albion mines, and is bounded as follows, that is to say: Beginning at the southern angle of the church at the Albion mines; thence south $57^{\circ} 20'$ east (being on the same range with a line running through the spire of said church) 104 chains and 88 links to post No. 1, marked G. M. A.; thence north $32^{\circ} 40'$ east crossing McLellan's Brook 106 chains and 70 links to post No. 2 marked G. M. A.; thence north $57^{\circ} 20'$ west (crossing the East River of Pictou) 240 chains to post No. 3 marked G. M. A.; thence south 32°

40' west 106 chains and 70 links to post No. 4 marked G. M. A.; thence south $57^{\circ} 20'$ east through the spire of the church aforesaid to the place of beginning, and which last mentioned tract covers an area of four square miles by measurement.

Fifthly, within, under, or upon all that tract lying in the county of Cumberland on the shore of Cumberland Basin, at or near the Joggins, so called, and comprising the works of the Association at the Joggins, and is bounded as follows, that is to say: Beginning at a squared post marked 1857 on the bank of the shore of Cumberland Basin 2 chains and 75 links southward by the said shore from the mouth of Dennis Brook; thence south $73^{\circ} 30'$ east 256 chains to a squared post marked 1857; thence north $16^{\circ} 30'$ east 100 chains to a squared post marked 1857; thence north $73^{\circ} 30'$ west, passing a post at high water mark on the Joggins shore of the Basin aforesaid, and extending thereby into said Basin until the whole distance of 256 chains has been run out; thence south $16^{\circ} 30'$ west to the place of beginning crossing the mouth of Dennis Brook, comprising an area of four square miles by measurement.

And sixthly, within, under, or upon all that tract lying in the County of Cumberland at or near Spring Hill, so called, and is bounded as follows, that is to say: Beginning at a Birch Tree at the south-west-angle of a lot containing one hundred and twenty-eight acres, granted to the General Mining Association by letters patent bearing date 26th April, 1849, (vide Book 16, No. 1494 of the registry of grants in the crown land office, Halifax); thence south 40° east 39 chains and 50 links to a squared post marked 1857; thence north 50° east 160 chains to a post marked 1857; thence north 40° west 160 chains to a post marked 1857; thence south 50° west 160 chains to a post at Mill Pond on Coal Mine Brook and marked 1857; thence south 40° east 120 chains and 50 links to the place of beginning, and which last mentioned tract covers an area of four square miles by measurement, which said several courses indicate the direction of the magnet at this date—and which said six areas or parcels have been surveyed and laid off by officers of the Association under the supervision of officers of the government of Nova Scotia, and plans thereof, subscribed by the said officers respectively, have been lodged in the office of the commissioner of crown lands at Halifax, for explanation of the limits and boundaries of the said areas and parcels, as by the said plans, upon reference thereto, may more fully appear.

And also, so far as her Majesty, with the concurrence of the General Assembly of the said province of Nova Scotia, can or lawfully may give or grant the same, full and free liberty, license, and authority, to and for the said Association, their successors and assigns, and their tenants, servants, workmen and agents, to search for, dig, work, and take, such beds and seams of coal, and to make or use any pit and pits, trench

and trenches, quarry and quarries, groove and grooves, and to drive and use any drift and drifts, watergate and watergates, waygate and waygates, airgate and airgates, watercourse and watercourses, as well for working, winning, obtaining and getting the said coal, as also for voiding and carrying away the water, foul air, and rubbish from the mine thereof, and also to make or use and enjoy sufficient and convenient pit room, ground room, and heap room, within the limits of the said tracts or districts hereinbefore described, for the laying and placing as well the coal which has heretofore been had, wrought, won, or gotten, or which shall, from time to time hereafter, be had, wrought, won, or gotten, from or out of the said coal mines, or any of them, as also all such stones, gravel, sand, deads, and other rubbish, which has heretofore proceeded or been had or gotten, or shall hereafter proceed or be had or gotten from or out of the said mines, or any of them, or in the working or digging thereof, or in getting or raising the said coal, and also to make, place, erect, and set up, or use within the limits of the said tracts or districts, and every of them, all such gins, engines, furnaces, refineries, cupolas, foundaries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings, and erections as shall, from time to time, be needful or convenient for opening, working, or drawing the said mines, and every or any of them, and for lodging, stacking, depositing or placing the same, and for burning and making bricks, tiles, and pipes, and for withdrawing or carrying away of water from the said mines, and every or any of them, or for the standing, lodging, laying or placing of the workmen, work-horses and work-gear, to be used or employed in or about the making and carrying on the works of the said mines, respectively, and also within the limits of the said tracts or districts, and every or any of them, to use and enjoy all such gins, engines, furnaces, refineries, cupolas, foundaries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings, and erections, as have been heretofore made, placed, erected and set up within the limits of the said tracts or districts, or any of them, for the purposes aforesaid, and are now standing or being thereon, and also within the limits of the said tracts or districts, and every or any of them, to use and enjoy sufficient and convenient way, leave, and liberty of passage, and liberty to make, lay, and place, one or more way or ways, railway or railways, tramroad or tramroads, and to remove, take away, amend and repair, alter and change the same, respectively, and to take, lead, drive and carry away, in, through, along, and over, the said way or ways, railway or railways, tramroad or tramroads, and in, through, along, and over any way or ways, railway or railways, tramroad or tramroads, heretofore made and now subsisting within the limits of the said tracts or districts or any of them, and with horses, carts, wains, wag-

gons, or any other carriage or carriages, and with engines, all the coals to be had, wrought and gotten forth and out of the said mines, and all other substances necessary or convenient to be removed therefrom. And also so far as her Majesty with the concurrence of the General Assembly of the said province, can or lawfully may give or grant the same, full and free liberty, license, and authority, for the said Association, their successors and assigns, to make, such ways, roads, railways and tramroads, through, across, or over any lands in the vicinity of and other than the said tracts or districts, from and to any mine or mines under or upon the said tracts or districts, or any of them, to and from such navigable water as shall be considered by the said Association, their successors or assigns, most convenient and suitable for the shipment of coal or the carriage of materials for the purposes of their mining operations and the agents and workmen of the said Association, in such places as shall be reasonable, and shall by the said Association, their successors or assigns, be thought best, and for the purposes aforesaid, and no other purposes, to use all such ways, roads, railways and tramroads as shall be so made, the said Association, their successors, and assigns, doing as little damage as possible thereby, and paying to our Sovereign Lady the Queen, her heirs or successors, by the hands of the Lieutenant-Governor, for the time being, of the said province, for the use of the said Province, a full and fair compensation, in respect of the exercise of the said last mentioned rights of way, the position and dimensions of such ways, roads, railways, and tramroads, and the amount of the said compensation to be respectively determined, in case of difference, by the arbitration and award, in writing, of any two out of three indifferent persons, to be appointed in manner following, that is to say : one to be appointed in writing by the Lieutenant-Governor, for the time being, of the said province, and another to be appointed in writing by the said Association, their successors, or assigns, or in case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of one calendar month after being required in writing by the other party so to do, then both the said two indifferent persons to be appointed in writing by such other party, and the other of such three indifferent persons to be appointed in writing by the said two indifferent persons to be first appointed as aforesaid ; and generally to have, hold, use, and enjoy, during the continuance of this grant or demise, all other powers and privileges whatsoever, within, over, and upon the said tracts or districts, or any of them, which shall or may be useful, necessary, or convenient for, or in or about the searching for, winning, working, digging, getting, or drawing of coal from and out of the said mines, or any of them, and taking and carrying away the same, and for stacking and lodging the same, or any part thereof, and which her Majesty, with the concurrence of the

General Assembly of the said province, can or lawfully may give or grant, they, the said Association, their successors and assigns, and their tenants, servants, agents, and workmen, doing as little spoil and damage of ground as possible within the limits of the said tracts or districts, in searching for, winning, working, having, exercising and enjoying of the premises, and the several powers, liberties, and privileges hereby granted and demised, save and except, nevertheless, and reserving out of these presents unto our said Sovereign Lady the Queen, her heirs and successors, and her or their lessees, of all or any of the mines, in, under, or upon any part of the said province, except the said tracts or districts hereinbefore described, but with such restrictions as hereinafter mentioned, full and free right and liberty to make, and to use when so made, such ways, roads, railways, and tramroads, through, across, or over the said tracts or districts, or any of them, from and to any mine or mines, in, under, or upon any part of the said province, except the said tracts or districts, to and from such navigable water, as shall be considered by the Lieutenant Governor, for the time being, of the said province, or the lessees of the same mine or mines, most convenient and suitable for the shipment of coal and other minerals, in such places as shall be reasonable, and shall, by such Lieutenant-Governor, for the time being, or such lessees, be deemed best, and also full and free right and liberty for the said Lieutenant Governor for the time being, or the lessees of such mine or mines, but with such restrictions as hereinafter mentioned, to erect on the said tracts or districts hereinbefore described, or any part thereof, and to use and enjoy when so erected any such works, buildings, wharves or other establishments necessary or convenient for the working and winning of coal or other minerals, or the successful carrying on of any collieries or mining establishments, in, under, or upon any part of the said province, except the said tracts or districts hereinbefore described, but so as not to obstruct in any material degree, nor unless in case of absolute necessity, to interfere with the operations, from time to time, of the said Association, and so that such lessees as aforesaid shall not have or be entitled to use or exercise any such rights or liberties as are hereby expressed to be excepted and reserved, save only when the same rights and liberties shall be specially granted in, and shall also be (as nearly as conveniently may be) particularly and precisely specified, limited and described as to position and dimensions and other material particulars in the leases under which such lessees shall claim or be entitled to the aforesaid mines or any of them, the said province or the lessees of such mines as aforesaid paying to the said Association, their successors or assigns, a full and fair compensation in respect of the exercise of the said rights and privileges so excepted and reserved, as aforesaid, or any of them, the position and dimen-

sions and other material particulars of the said ways, roads, railways and tramroads, works, buildings, wharves, or other establishments, and the amount of the said compensation to be respectively determined, in case of difference, by the arbitration and award, in writing, of any two out of three indifferent persons to be appointed in manner following, (that is to say,) one to be appointed, in writing, by the Lieutenant Governor, for the time being, of the said province, or in case of a lease of any of the said mines by such lessees, as aforesaid, who may be interested in the question, another to be appointed, in writing, by the said Association, their successors or assigns, or in case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of one calendar month after being required in writing by the other party so to do, then both the said two indifferent persons to be appointed, in writing, by such other party, and the other of the said three indifferent persons to be appointed in writing, by the two indifferent persons to be first appointed, as aforesaid. To have and to hold the said beds and seams of coal, mines, powers, authorities, and all and singular other the premises hereby granted and demised, or expressed so to be, unto the said Association, their successors and assigns, for and during and unto the full end and term of twenty-eight years, to commence and be computed from the 1st day of January, 1858, and also for such portion of the next succeeding year as shall elapse previously to the 25th day of August in the same year, being the year 1886, and fully to be complete and ended, yielding and rendering therefor unto our Sovereign Lady the Queen, her heirs and successors, yearly and every year, on the 1st day of March, during the continuance of this grant or demise, at Halifax, in the said province, or at such other place or places as the Lieutenant Governor, for the time being, of the said province, shall think fit, and by writing under his hand, appoint through the hands or by the receipt of the Lieutenant Governor, for the time being, of the said province of Nova Scotia, for the use of the said province, the rent or royalty of six pence, Halifax currency, for every ton of coal of 2240 lbs. (except coal now known in the said province as slack coal, and except coal to be used by the workmen of the said Association, or to be used in carrying on the works or operations of the said Association,) which shall, in any and each year, commencing with the said 1st day of January, 1858, and thenceforth during the continuance of this grant or demise, be wrought or gotten forth or out of the said beds or seams hereby granted and demised, or any of them, and sold up to and including the first 250,000 tons which shall be so wrought or gotten and sold in any and each year, and the rent or royalty of four-pence, Halifax currency, for every ton of coal of 2240 lbs., (except as aforesaid,) which shall in any and each year, commencing with the said 1st day of Ja-

nuary, 1858, and during the continuance of this grant or demise, be wrought or gotten forth or out of the said beds or seams hereby granted or demised, or any of them, and sold over and above the first 250,000 tons, which shall be wrought or gotten and sold in such and the same year; the first payment of the said rents or royalties, hereby reserved, to be made on the 1st day of March, 1859, and the rents and royalties which shall be payable for or in respect of all coal which shall be wrought or gotten and sold during the portion of a year, commencing with the first day of January 1886, and ending with the 25th day of August, 1886, to be paid on the 25th day of October in the same year, 1886. And the said Association, for themselves, their successors and assigns, do covenant with our Sovereign Lady the Queen, her heirs and successors, that the said Association and their successors shall and will well and truly pay or cause to be paid unto our said Sovereign Lady the Queen, her heirs and successors, through the hands or by the receipt of the Lieutenant Governor, for the time being, of the said province, at the times and in manner aforesaid, the said rents or royalties hereby reserved, or intended so to be. And that the said Association, their successors and assigns, shall and will, during the continuance of this grant or demise, keep or cause to be kept, one or more book or books of account, wherein true entries shall be made of all such coal as shall from time to time be wrought or gotten forth or out of the said beds or seams hereby granted and demised and sold by the said Association, their successors or assigns, or their workmen or servants, on and from the said 1st day of January, 1858, during the continuance of this grant or demise, distinguishing in such accounts large coal from the said slack coal. And that it shall be lawful for the Lieutenant Governor, for the time being, of the said province, or such person or persons as he shall appoint under his hand and seal from time to time, to have free access and liberty to inspect and take copies of the said books of account; and that the said Association, their successors or assigns, shall and will on the 1st Monday in February, or within two calendar months afterwards in every year during the continuance of this grant or demise, deliver, or cause to be delivered, unto such Lieutenant Governor, as aforesaid, or to such person or persons as he shall appoint, in manner aforesaid, one or more affidavit or affidavits, to be made by two or more credible persons principally employed in or about the working and management of the said beds or seams hereby granted and demised, that the entries which shall from time to time be made in such book or books of account, as aforesaid, do contain a full and true account of the quantities of all such coal as shall be wrought or gotten and sold in each and every year in all or any part of the premises, which affidavit or affidavits shall be duly sworn before the said Lieutenant Governor for the time being, or be-

fore some justice of the peace in the same province. And likewise that the said Association, their successors or assigns, shall and will annually, during the continuance of this grant and demise, lay or cause to be laid before the said Lieutenant-Governor for the time being, upon the oaths of two or more credible persons, principally employed in or about the working and management of the said mines, respectively, a full true and particular account in writing of the numbers, names and situation of the said mines, respectively, and other competent and sufficient descriptions thereof, and also of the numbers, names, and situation, and other competent and sufficient descriptions of all and every the shafts, adits, levels, drains, and other works whatsoever belonging thereto respectively, and the several works thereof. And also a full, true and particular account, to be authenticated, as aforesaid, of the number on the average of the two preceding years of persons employed in and about the said mines, respectively, and the works thereof. And also that the said Association, their successors or assigns, shall and will, during the continuance of this grant and demise, keep and have forthcoming, at all seasonable times, to the Lieutenant-Governor, for the time being, of the said province, or such person or persons as he shall in that behalf, by writing under his hand, appoint, (with liberty to him and them to make copies of or extracts from the same), and at some convenient place, upon each of the said areas, the coal mines whereof are hereby granted or demised, or within two miles thereof, respectively, an accurate plan or plans of the mines comprised in such area, and of the workings thereof, and of all the shafts, adits, levels, drains and other works whatsoever belonging thereto. And also that the said Association, their successors or assigns, shall not, nor will, at any time or times hereafter, during the term hereby granted, assign, transfer, or set over, or otherwise part with, the premises hereby granted and demised, or any part thereof, to any person or persons whomsoever, without the license, consent or approbation of our said Sovereign Lady the Queen, her heirs or successors, first had and obtained for the doing thereof, to be signified under her or their signet, or sign manual, or under the sign manual of the Lieutenant-Governor, for the time being, of the said province, or under the great seal of the United Kingdom of Great Britain and Ireland, or of the said province. And also that it shall be lawful for any inspector or inspectors, viewer or viewers, agent or agents, to be by the said Lieutenant-Governor for the time being, appointed under his hand, at any time during the continuance of this present grant or demise, when, and as any of the shafts of the said mines are at work, to descend by the ropes, rollers, gins, or engines, or other utensils used at any of the said shafts, of or belonging, or which shall belong, to the said mines, respectively, or any of them, into the said mines, shafts or pits, or any

of them, to plumbline, view and survey the works thereof, and to view and see that the same are regularly and fairly wrought and carried on, and by the same ways and means to ascend and come up the said mines, shafts or pits, or any of them, and shall and may in the doing thereof, have the help and assistance of the workmen and servants employed in the said mines, or of such other person or persons as he or they shall think fit. And also that the said Association, their successors and assigns, shall and will, from time to time, and at all times during the continuance of this grant or demise, well and effectually maintain and support all and every the working pits, shafts, levels, drifts and watercourses of and belonging to the said respective mines, with all such timber and deals and other materials as shall be requisite or necessary for that purpose, and so as to prevent the same and the roofs of the said mines from falling in or being otherwise damaged, and shall and will, at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto such person or persons as our said Sovereign Lady the Queen, her heirs or successors, shall appoint, under her or their signet, or sign manual, or under the sign manual of the Lieutenant Governor, for the time being, of the said province, to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundaries, railroads, implements, houses and buildings, as shall not be attached to the freehold, in such good order, plight, and condition, as fair wrought mines ought to be left, with such timber, deals, and other materials as aforesaid, (such mines as, during the term hereby granted, shall be abandoned by reason of their being unproductive only excepted,) provided always, and it is hereby agreed and declared, and the said Association, for themselves, their successors, and assigns, do accept this grant or demise, under the condition that in case any default shall be made by the said Association, their successors or assigns, in keeping such book or books of account, or in delivering such affidavit or affidavits as aforesaid, or in the payment of the said rents or royalties hereby reserved, for the space of forty-two days after the periods hereinbefore appointed for paying the same; or if the said Association, their successors or assigns, shall omit or neglect, for the space of any one year during the continuance of this grant or demise, to lay before the said Lieutenant-Governor, for the time being, such account or accounts in writing, as aforesaid, or to keep and have forthcoming, as aforesaid, such plan or plans, as aforesaid, or shall at any time or times assign, transfer, and set over, or otherwise part with the premises hereby granted, or any part or parcel thereof, to any person or persons whomsoever, for the term above granted, without the license, assent, or approbation of our said Sovereign Lady the Queen, her heirs, or successors, to be sig-

nified as aforesaid, contrary to the true intent and meaning of the said covenant or agreement in that behalf hereinbefore contained, then and in every or any of the said cases when the same shall have been adjudged and declared by any six or more of the privy council of our Sovereign Lady the Queen, her heirs or successors, to have arisen or happened, these presents, and all and every the powers and privileges hereby granted, shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding; and it is hereby agreed and declared, and our said Sovereign Lady the Queen doth hereby grant, that during the continuance of the grant and demise hereby made, our said Sovereign Lady the Queen, her heirs or successors, shall not, without the consent in writing of the said Association, their successors or assigns, by lease, license, or otherwise, empower or allow any party or parties to work or get and enjoy or sell any coal whatsoever in the said province at a less rent or royalty, or on more favorable terms in any respect, than the rent or royalty and terms respectively reserved by and contained in these presents. And that the said province shall, before the 1st day of January, 1859, pass, and during the continuance of the said grant or demise hereby made, enforce, such legislative enactments, and take such measures, by the appointment of an inspector and otherwise, as may be required to prevent the working of any coal in the said province by unauthorised persons, and to prevent the sale or export of coal, except the coal which may be sold or exported by the said Association, their successors or assigns, by any party or parties, and except such as may be worked on payment of rent or royalty equivalent to the rent or royalty hereby reserved, and subject to terms not more favorable than the terms hereby granted to the said Association, their successors and assigns. And further, that during the continuance of the grant or demise hereby made, the said province shall not, without the consent, in writing, of the said Association, their successors or assigns, impose any duty on the export of coal.

In witness, &c.

CHAPTER 49.

An Act for applying certain Monies therein mentioned for the service of the year One thousand eight hundred and fifty-eight, and for other purposes.

(Passed the 7th day of May. A. D. 1858.)

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal subjects, the house of assembly of Her Majesty's province of Nova Scotia, towards appropriating the supplies granted to her Majesty, and for supplying the exigencies of her Majesty's government, do humbly beseech that it may be enacted, and

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

Out of the monies which now are or from time to time shall be or remain in the public treasury of this province, there shall be paid the following sums, viz.:

- £200 speaker. Two hundred pounds to the speaker of the house of assembly for his salary for the present year.
- 800 Clerk H. A. Three hundred pounds to the clerk of the house of assembly for his services for the same year.
- 25 chaplain. Twenty-five pounds to the chaplain of the house of assembly for his services for the present session.
- 200 clerk assistant. Two hundred pounds to the clerk assistant of the house of assembly for his services for the present session.
- 200 clerk of bills. Two hundred pounds to the clerk of bills to the house of assembly for his services for the same session.
- 75 serjt. at arms. Seventy-five pounds to the serjeant at arms to the house of assembly for his services for the same session.
- 45 asst. serjt. at arms. Forty five pounds to the assistant serjeant at arms to the house of assembly for his services for the same session.
- 40 messenger. Forty pounds to the messenger of the governor and the executive and legislative councils for his services for the present year.
- 40 J. Fitzgerald. Forty pounds to John Fitzgerald for his services as messenger to the house of assembly during the present session.
- 100 clerk board revenue. One hundred pounds to the clerk of the board of revenue for his services during the present year.
- Pay of waiters. Such sum, to be paid on the certificate of the board of revenue, as may be sufficient to pay, at the rate of seven shillings and six pence per day to such persons as shall be employed by the receiver general as extra waiters for the port of Halifax during the present year: five shillings a day to such extra waiters when unemployed, and at the rate of five shillings a day to temporary waiters.
- 800 guagers, &c. Three hundred pounds to such persons as the governor shall appoint to discharge the duties heretofore performed by the guager, weigher, and proof officer for the port of Halifax.

Eighty pounds to the keeper of the assembly house, council chamber, and law library, for the present year. £80 keeper of assembly.

Four hundred pounds, to be at the disposal of the Governor, for the support of the establishment at Sable Island for the present year. 400 Sable Isl'd.

Twenty-five pounds to the commissioners of the poor in Halifax, to defray the expense of continuing the school in the poor asylum for the present year, for the benefit of orphans and poor children in that establishment. 25 school poor asylum.

Three hundred pounds, to be at the disposal of the Governor, for the benefit of Indians for the present year. 300 Indians.

One hundred pounds to the clerk of the crown in the supreme court in this province for his services for the past year. 100 clerk of crown.

A sum, not to exceed four hundred pounds, to be at the disposal of the Governor, to be appropriated in paying seizing officers in various parts of this province for more effectually protecting the revenue; provided no such officer shall receive more than fifteen pounds. 400 seizing officers.

Twenty pounds to each of the two chairmen of bills and supplies for their services for the present session. 25 each chairmen H. A.

One hundred pounds, to be at the disposal of the Governor, to defray the travelling charges of the members of the Government non-resident in Halifax, when summoned during the recess to attend meetings of council, to be computed at the same rate as is allowed members of Assembly. 100 members of govt.

One hundred and twenty-five pounds for stationery, and other contingencies for the Provincial Secretary's office for the present year, the expenditure to be accounted for at the next session of the General Assembly. 125 stationery, &c. secy. office

Twelve pounds and ten shillings to the judge of the vice admiralty court for fuel and crier of the court for the present year. 12 10 fuel vice ad. court.

Such sum, at the disposal of the Governor, as will be sufficient to repay the amount advanced from the treasury to defray the expense of postage of public departments during the past year. Postage public departments.

Such sum, at the disposal of the Governor, as will provide for the remuneration of a private secretary for the present year, at the rate of two hundred and fifty pounds sterling per annum. 250 stg. private secy of Governor.

Fifty pounds to such persons as shall run a proper packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under the regulations of the sessions of the counties of Guysborough and Richmond, to be paid on the certificate of such sessions and under the same regulations as last year. 50 Guysboro' packet.

Twenty pounds to aid the inhabitants of Douglas, at the mouth of the river Shubenacadie, in supporting a suitable boat or scow to run between Londonderry and that place, such boat 20 ferry, Douglas.

or scow to be under the regulations of the sessions for the county of Hants, to be paid upon the certificate of three justices of the peace residing in Douglas that such boat has run at least twice a week for six months to their satisfaction, under the regulations aforesaid.

£10 each ferry-
men, Shubena-
cadie.

Ten pounds each to the two licensed ferrymen at the mouth of the Shubenacadie, in the counties of Hants and Colchester, for the transportation of horses and carriages across that river—to be paid upon the certificate of the general or special sessions of each county respectively, that such ferry has been duly attended and proper boats procured and used.

12 10 each J. &
C. Pernette.

Twelve pounds and ten shillings each to Joseph Pernette and Charles Pernette, for keeping up the ferry over LaHave River.

10 C. Craig.

Ten pounds to Cornelius Craig to enable him to keep up a ferry across the narrows at the entrance of Sable River in the county of Shelburne, under the regulations of the sessions and to be paid on their certificate.

10 A. McGuire

Ten pounds to Alexander McGuire, or such other person as shall run a ferry boat or scow between Carter's landing, on the western side of the Strait of Canso, and Alexander McPherson's, on the eastern side thereof, to be paid on the certificate of the sessions for the county of Guysborough that such boat or scow has been provided and run under their regulations and to their satisfaction.

10 A. McPherson.

Ten pounds to Alexander McPherson, to enable him to run a suitable ferry boat or scow between his landing on the eastern side of the Strait of Canso and John Carter's on the western side thereof, to be paid on the certificate of the sessions of the county of Richmond that such boat or scow has been provided and run under their regulations and to their satisfaction.

20 ferry, Port
L'Herbert.

Ten pounds each to such two persons as shall respectively keep up a ferry at the mouth of Port L'Herbert, provided a boat be kept to convey horses and cattle across the harbor, to be paid on the certificate of the sessions for the county of Shelburne that such boat has been properly kept and run under their regulations.

10 D. McPhee.

Ten pounds to Duncan McPhee to enable him to maintain a ferry between Low Point and the Sydney mines at the mouth of the Spanish River in the county of Cape Breton, to be paid on the certificate of three justices of the peace for the county of Cape Breton that he has faithfully discharged the duties assigned him by the sessions.

20 ferry Cape
Sable Island.

Twenty pounds to such persons as shall keep a ferry across the Narrows of the passage between Cape Sable Island and the Main, such persons being furnished with suitable boats for the accommodation of passengers, to be paid on the certificate of the sessions for the county of Shelburne that such boats have been properly kept and run under their regulations.

15 ferry, Am-
herst.

Fifteens pounds to aid in maintaining a ferry during the present year between Amherst and Minudie, such ferry to be

under the regulations of the sessions for the county of Cumberland, and the foregoing sum to be paid on their certificate that the same has been conducted to their satisfaction.

Ten pounds each to the two licensed ferrymen at the mouth of the Grandique River, in the county of Richmond, to be paid on the certificate of the sessions of the county that the work has been faithfully performed, and the public properly accommodated.

20 ferry Gran
dique River.

Twelve pounds and ten shillings to the ferryman at Sheet Harbor, and ten pounds to the ferryman at North West Arm, in the county of Halifax.

12 10 ferry Sheet
Harbor.
10 do. N. W.
Arm.

Five pounds each to such two persons, one on each side of Liscomb Harbor, in the county of Guysborough, as shall maintain a ferry across the harbor during the present year, to be paid on the certificate of three justices of the peace of the county that suitable boats have been provided—that the ferry has been conducted under the regulation of the Sessions, and that the public have been properly accommodated.

10 ferry Lis-
comb Harbor

Five pounds to John Leary, ferryman at Basin Gut, Sambro, in the county of Halifax.

5 John Leary.

Ten pounds to Charles Smith, to enable him to keep a ferry over Neeum Teuch River, Eastern Shore, in the county of Halifax.

10 Chas. Smith,

Seven pounds and ten shillings to aid in establishing a ferry during the present year over Liscomb Harbor, opposite the highway at Clay Head, in the county of Guysborough, such ferry to be under the regulations of the sessions, and the amount to be paid on their certificate that the same has been conducted to their satisfaction.

7 10 ferry, Lis-
comb Harbor.

Five pounds to the ferryman at Bear River.

5 ferry Bear
River.

Twenty five pounds in aid of the packet between Horton and Parrsborough—such packet to make two trips each week and to carry the mails.

25 Packet, Hor-
ton.

Three hundred and seventy-five pounds to such persons as shall run a suitable steamboat between Halifax and St. John's, Newfoundland, touching at Cape Breton going and returning, to be paid when it shall appear to the Governor in council that the service has been properly discharged.

375 Steamboat
Halifax and
Newfld.

Five pounds each to two ferrymen, one on each side of the Petite Passage—and five pounds each to the ferrymen at the Grand Passage, county of Digby, to be paid on the certificate of three justices of the county that suitable boats have been provided—that the respective ferries have been conducted under the regulations of the sessions, and that the public have been properly accommodated.

10 ferry, Petite
Passage.

10 do. Grand
Passage.

Five pounds to John Young, of Lingan, in the county of Cape Breton, to enable him to keep a ferry across the passage or strait between Lingan and Bridgeport.

5 John Young.

Five pounds to the ferryman at St. Ann's Harbour, in the county of Victoria.

5 ferry St. Anns.

- 5 ferry, Margaree. Five pounds to the ferryman at Margaree River, in the county of Inverness.
- 8 ferry, Grand Narrows. Four pounds each to the ferrymen between the Grand Narrows, in the county of Cape Breton.
- 5 ferry, North Bar. Five pounds to the ferrymen at the North Bar and the town of Sydney, in the county of Cape Breton.
- 10 ferry, Great Bras d'Or. Ten pounds to the ferryman at the entrance of the Great Bras d'Or, in the county of Victoria.
- 5 ferry, Pugwash Harbor. Five pounds in aid of the ferry across Pugwash Harbor.
- 40 ferry, McMillan's Point. Forty pounds to aid the inhabitants of Cape Breton in supporting a suitable boat or scow, to run between McMillan's Point, in Cape Breton, and Auld's Cove, in the county of Sydney, such boat or scow to be under the regulations of the sessions of the county of Inverness.
- 10 ferry, Milford and Ship Harbor. Ten pounds to aid in establishing a ferry during the present year between Milford and Ship Harbour, in the county of Guysborough, and to aid in providing suitable boats for the purpose—to be under the regulations of the sessions, and the amount paid on their certificate.
- 10 ferry, St. Mary's. Five pounds each to the two ferrymen at St. Mary's River, Guysborough.
- 7 10 ferry, Southern Bay. Seven pounds and ten shillings in aid of the ferry across the entrance of Southern Bay, Ingonish, Victoria.
- 5 ferry, Gut of Miré River. Five pounds to the ferryman at the entrance of the Gut of Miré River.
- 10 ferry, Little Bras d'Or. Ten pounds to the ferryman at Little Bras d'Or, Cape Breton.
- 5 ferry, Sydney River. Five pounds to the ferryman at Sydney River, Cape Breton.
- 6 ferry, Tusket. Three pounds each to the two ferrymen at Tusket, in the county of Yarmouth.
- 8 ferry, Ship Harbor. Eight pounds to the ferryman at the mouth of Ship Harbor, Halifax.
- 10 ferry, Jordan River. Five pounds each to the two ferrymen on each side of the Jordan River, Shelburne county.
- 10 ferry, Wallace Harbor. Ten pounds in aid of the ferry across Wallace Harbor, in the county of Cumberland.
- 1000 controllers. One thousand pounds, at the disposal of the Governor, to pay a sum not exceeding twenty pounds each, for their services during the present year, to the controllers at the different ports, and such further sum as shall be required to pay at the same rate such other controllers as may be appointed during the present year.
- 30 E. Crowell. Thirty pounds to Edmund Crowell, of Seal Islands, in the county of Yarmouth, for keeping the establishments on the Islands to aid vessels in distress.
- 20 W. Goodwin & G. W. Smith. Twenty pounds to William Goodwin and George W. Smith, residents upon Mud Islands, county of Yarmouth, to enable them to provide and keep efficient boats, and otherwise render assistance to shipwrecked mariners, to be paid on certificate

of the sessions that the boats are provided and kept, and the duty performed.

Twenty-five pounds, at the disposal of the Governor, to aid in maintaining a packet between Westport and Montegan, in the county of Digby. 25 packet, Westport.

Twenty pounds in aid of a packet between Weymouth Bridge and Sandy Cove, in the county of Digby. 20 packet, Weymouth Bridge.

Twenty-five pounds to James Fitzgerald, for preparing abstracts and trade returns, to be laid before this house. 25 J. Fitzgerald.

Fifteen pounds to John Nelson, to enable him to maintain a half-way house between Musquodoboit and St. Mary's. 15 J. Nelson.

Fifteen pounds to Valentine Munro, to enable him to keep a half-way house between Liverpool and Annapolis. 15 V. Munro.

Fifteen pounds to George Merry, to enable him to keep a half-way house between Liverpool and Nictaux. 15 G. Merry.

Five hundred and seventy-five pounds, for the salaries of the clerks in the Provincial Secretary's office for the present year, the expenditure to be accounted for at the next session of the general assembly. 575 Clerks, secy's office.

Fifteen pounds each to the two ferrymen at Big Harbour, Bras d'Or Lake, in the county of Victoria, to be paid on the certificate of the sessions that the ferry has been properly kept up for the accommodation of the public. 30 ferry Big Harbor.

One hundred and seventy-five pounds, at the disposal of the Governor, to be paid upon sufficient proof that a suitable steamboat has been run from Sydney to the Bras d'Or to Baddeck twice a week during the season, upon condition that the judge on circuit be conveyed in such boat from Sydney to Baddeck, and thence to Wycocomagh, free of expense; and a further sum of twenty-five pounds, upon sufficient proof that the boat has proceeded once a week from Baddeck to Wycocomagh. 175 Steamboat, Sydney.
25 do. Baddeck.

One hundred pounds, at the disposal of the Governor, to provide for the reporting and publication of the decisions of the supreme court. 100 reporting for Sup. Court.

Twenty-five pounds to John Bruce McDonald, late a clerk in the Provincial Secretary's office, for extra services in that capacity. 25 J. B. McDonald.

Two hundred pounds, at the disposal of the Governor, to aid steam communication between Charlottetown and Pictou—the boat to be run twice a week. 200 Steamboat P. E. Island.

Five hundred and fifty pounds to the reporter of the debates and proceedings of the house of assembly, upon his completing his contract for the present session. 550 reporting.

Two thousand nine hundred and thirty-eight pounds seven shillings and eleven pence, at the disposal of the Governor, to pay the following advances made from the provincial treasury during the year 1857, viz:

Provincial Secretary, for passage of two families to Newfoundland.....£16 0 0

Inland navigation company, balance of provincial loan.....	1500	0	0
James Cleaveland, return of patent fees paid by him.....	14	0	0
William Higgins, expense incurred by him in apprehending Pratt, an escaped convict.....	15	0	0
Honble. J. W. Johnston and A. G. Archibald, to defray expense of delegation to England on subject of mines and minerals.....	1250	0	0
Murdoch McLean, for conveying William and Lewis Snow from Guysborough to the Penitentiary	16	12	7
Alpin Grant, on account of public printing.....	100	0	0
J. B. Elliott & Co., for blankets to Indians.....	10	8	6
W. H. Darris, M. D., for Indians.....	6	6	10
Rev. Mr. Kennedy, for Indians.....	10	0	0

Balance to
Board of works

Such sum, at the disposal of the Governor, as may be necessary to defray the balance due to the Board of Works.

Hospital for In-
sane.

Such sum, at the disposal of the Governor, as shall be sufficient to complete that portion of the hospital for the insane, now in course of construction.

13 G. R. Grassie.

Thirteen pounds to George R. Grassie, serjeant-at-arms to this house, for his travelling expenses for the present session.

Pay members
H. A.

One pound per day to each member of the house of assembly for the present session; also, the travelling charges as heretofore.

Do. Legislative
Council.

One pound per day to each member of the legislative council, for his actual attendance in parliament during the present session, with the same travelling charges as members of the house of assembly.

31 Wm. Ander-
son and others.

Thirty-one pounds, appropriated for road damages, 1857, and undrawn, shall be appropriated for the county of Victoria, as follows:

William Anderson.....£15 0- 0

John and Kenneth McDonald.....6 0 0

John Colins.....10 0 0

15 Mrs. Kalle.

Fifteen pounds to Mrs. Kalle, for services rendered to Charles Gerrior, a shipwrecked seaman.

294 7 2 T. B.
Akins.

Two hundred and ninety-four pounds seven shillings and two pence to Thomas B. Aikin, Esquire, to defray the expense incurred during the year 1857, in arranging and preserving the ancient provincial records, pursuant to the report of the committee on that subject.

540 Agricultrl.
Societies.

Five hundred and forty pounds, at disposal of Governor, to be applied at the rate of thirty pounds for each county, in aid of agricultural societies, pursuant to the report of the committee on agriculture.

80 Adj. Genrl.
Militia.

Eighty pounds to the adjutant-general of militia, for his services during the present year.

Fifteen hundred pounds, at the disposal of the Governor, to defray the expenses of the provincial penitentiary for the present year, pursuant to the report of the committee on that subject. 1500 Penitentiary.

Seven pounds and thirteen shillings to John Munro, of Margaree, in the county of Inverness, pursuant to the report of the committee on the Fisheries. 7 13 J. Munro.

Four pounds and five shillings to Charles Blanchard, pursuant to the report of the law committee. 45 C. Blanchard

Thirty-five pounds three shillings and eleven pence to Joseph Dickson, clerk of the peace in Colchester, to remunerate him for maintaining an insane convict, pursuant to the report of the committee on that subject. 35 3 11 J. Dickson.

Six hundred and forty-three pounds seventeen shillings and nine pence, to be at the disposal of the Governor, to defray the amount still due for public printing, pursuant to the report of the committee on that subject, viz: 643 17 9 Public Printing.

The Queen's Printer.....	£190	3	3
“ Late Queen's Printer.....	147	19	2
William A. Penny.....	165	13	3
A. Ritchie & Co.....	12	4	0
R. Huntington.....	3	12	6
H. W. Blackadar.....	5	10	0
E. McDonald.....	3	2	6
Thomas Annand.....	1	17	6
W. Gossip.....	3	10	10
S. J. M. Allen.....	3	13	9
J. & W. Compton.....	4	15	0
Sun Office.....	4	14	5
Wesleyan Office.....	14	0	2
Avon Herald.....	2	3	9
A. Lawson.....	2	7	6
Casket Office.....	2	0	0
James Barnes.....	2	16	3
W. A. Penny.....	32	17	1
A. Grant.....	19	9	6
Thomas Annand.....	10	3	7
W. A. Calnek.....	2	11	3
Morning Advertiser.....	6	17	6
James P. Ward.....	1	15	0

Twelve pounds and fifteen shillings to Wm. Anderson, for his services in exploring and surveying a new line of road from Bridgewater to Lunenburg in 1855. 12 15 William Anderson.

Two pounds and ten shillings each to Joseph Pernette and Charles Pernette, for their extra services in 1857, in carrying the mails across LaHave River. 2 10 each J. & C. Pernette.

Fifty pounds in aid of the model and training school in connexion with the colonial church and school society. 50 Model and Train'g School.

Twenty pounds, to be at the disposal of the Governor, to aid 20 Canal Whitehead.

in completing the canal at the Haulover, at Whitehead, in the county of Guysborough.

19 8 6 G. H. Ryerson.

Nineteen pounds eight shillings and six pence to George H. Ryerson, and five pounds two shillings and ten pence to George Tooker, for the maintenance of Indians during the past year.

52 10 G. Tooker.

3 Francis Parker.

Three pounds to Francis Parker, to reimburse him that amount advanced by him on the sum granted for relief of the coloured population in Hants county during the past year.

100 road Newport.

One hundred pounds, to be at the disposal of the Governor, to aid in making the new road required to enable the people of Newport to reach the railway station.

25 road Guysboro'.

Such sum, not to exceed twenty-five pounds, at the disposal of the Governor, as may be sufficient to pay for surveying a line of road between the Guysborough road and the railway line near Fletcher's.

100 col. population co. Hlix.

One hundred pounds, at the disposal of the Governor, for the relief of the coloured population of the county of Halifax, by purchasing seed or provisions, as circumstances may require.

100 do Hants, &c.

One hundred pounds, at the disposal of the Governor, for the relief of the coloured population in the counties of Hants, Queens, Yarmouth, Guysborough, Annapolis, Sydney, Shelburne, Digby, Kings, and Cumberland, to the amount of ten pounds in each county.

25 Thomas Murphy.

Twenty-five pounds to Thomas Murphy, to aid him in maintaining his son, a deaf mute, at the deaf and dumb asylum in Halifax, for another year.

50 Francis O'Regan.

Fifty pounds to Francis O'Regan, in conformity with his application to this house, referred to committee on crown lands.

17 5 Geo. Patterson.

Seventeen pounds and five shillings to George Patterson, for damage to his lands by roads, upon his establishing, to the satisfaction of the government, the truth of the facts set forth in his petition, pursuant to the report of the committee on land damages.

5 13 9 Abner Myres.

Five pounds thirteen shillings and nine pence to Abner Myres, pursuant to the report of the same committee.

341 5 1 transient paupers.

Three hundred and forty-one pounds five shillings and one penny to defray the several sums following for expenses of transient paupers, pursuant to the report of the relief committee:

Overseers of township of Wilmot.....	£8	0	0
“ Clements, (Anne Connelly).....	10	8	0
“ Windsor, Angus McDonald, £7	2	0	
John Maxner.....	11	13	0
Dr. Harding.....	5	10	0
Dr. Fox.....	5	17	6
		30	2 6
Overseers of Liverpool.....	40	0	0
“ Clare, Alfred Crichton.....	£6	10	0
Cumming & Stevens.....	6	0	0

Dr. Ruggles.....2 11 4

—————15 1 4

Overseers of Pictou, first section.....£51 10 6

- Dr. Johnston.....6 7 2

—————57 17 8

Overseers of Pictou, second section—Eliz.

Redpath:

D. McLeod.....£1 10 0

A. Fullerton.....1 8 6

A. Wilson.....4 0 0

Dr. Kirkwood.....0 18 0

Danl. McKay.....1 13 0

—————9 9 6

Overseers of Pictou, fifth sec.—W. Hasop £6 15 0

Dr. Sutherland....3 5 0

—————10 0 0

Overseers of Barrington, Mary Flinn.....7 0 0

“ Truro, Anne Wright.....5 0 0

“ Shubenacadie.....4 10 0

“ Sydney, C. B.....5 0 0

“ Amherst.....£3 0 0

W. McKay.....3 15 0

Dennis Burke.....2 10 0

Dr. Page.....4 12 0

—————13 17 0

Overseers of Shelburne—R. Thomson.....1 16 7

“ Aylesford—James Toole.....10 0 0

“ Dorchester, Sydney Co... ..11 10 0

“ Arisaig, “1 10 0

“ Mun. of Yarmouth, McKay, £11 17 6

Passage of McKay....3 0 0

Charles McQuin....6 15 0

Burial of P. P. Evans, 2 16 3

Dr. Harley's bill....2 10 0

—————26 18 9

Overseers of Cornwallis, Fred'k. Hilbert, £7 4 6

L. C. Woodworth,....1 15 3

Drs. Hamilton & Shaw..15 0 0

—————23 19 9

Overseers Round Hill, Annapolis.....5 13 3

“ Digby—Augustus Robinson.....7 13 6

“ Horton—Thomas Lemon.....£9 3 1

David Poor.....2 1 0

Robert Bentley.....5 7 0

Martin Cleveland for re-

moval.....1 17 3

Do. for Thos. Mahoney..2 5 0

Drs. McLatchey & Brown 4 15 3

—————25 8 7

Overseers of Granville.....15 0 0

- 300 deaf and dumb. Three hundred pounds to the directors of the deaf and dumb school in Halifax, pursuant to the report of the committee on relief.
- 2000 comrs. of poor. Two thousand pounds to the commissioners of the poor in Halifax, for the support of transient paupers for the present year.
- 50 dispensary. Fifty pounds to the managers of the Halifax visiting dispensary, to aid them in their humane undertaking for the present year, pursuant to the report of the committee on relief.
- 5 Whitman Freeman. Five pounds to Whitman Freeman, principal crown surveyor for Queen's county, for surveys made by him in the county of Shelburne, pursuant to the report of the committee on crown lands.
- 45 John Webster. Forty-five pounds to John Webster, pursuant to the report of the committee on crown lands.
- 23 5 7 inhabitants of Broad Cove. Twenty-three pounds five shillings and seven pence to inhabitants of Broad Cove, in the county of Lunenburg, pursuant to the report of the committee on crown lands.
- 200 land surveyors. Two hundred pounds, at the disposal of the Governor, for the use of land surveyors to provide circumferentors, pursuant to the report of the same committee.
- 50 instruments Civ. Land Department. Fifty pounds, at the disposal of the Governor, for the purchase of superior instruments for the chief commissioner of crown lands, pursuant to the report of the same committee.
- 10 ferryman Little Bras d'Or. Ten pounds additional to the ferryman at Little Bras d'Or, pursuant to the report of the committee on navigation securities.
- 5 Peter Fraser. Five pounds to Peter Fraser, for additional service with mails at Lennox Passage, pursuant to the report of the same committee.
- 2 10 A. Ross. Two pounds and ten shillings to A. Ross, ferryman at Little Narrows, between Inverness and Victoria, pursuant to the report of the same committee.
- 7 10 ferryman Granville. Seven pounds and ten shillings to the ferryman between Granville and Digby, to aid in repairing horse boats, pursuant to the report of the same committee.
- 163 11 fog bell Yarmouth. One hundred and sixty-three pounds and eleven shillings, at the disposal of the Governor, to defray balance due for the erection of the fog bell at Yarmouth, pursuant to the report of the same committee.
- 12 10 to J. C. Fox. Twelve pounds and ten shillings to J. C. Fox, for his services as keeper of the fog bell at Yarmouth, during the present year.
- 12 10 to J. C. Fox. Twelve pounds and ten shillings to J. C. Fox, for his services as keeper of the fog bell for last year, pursuant to the same report.
- 88 14 9 normal School. Eighty-eight pounds fourteen shillings and nine-pence to the commissioners of the normal school, to reimburse them certain

sums advanced by them, pursuant to the report of the committee on education.

Seventy-two pounds and five shillings to the commissioners of the normal school, to enable them to pay certain liabilities incurred by them, pursuant to the same report. 72 5 normal school.

Fifteen pounds to the commissioners of the normal school to enable them to insure the normal school building, pursuant to the report of the same committee. 15 normal school.

Fifteen pounds to the commissioners of the normal school, to enable them to sink a well upon the normal school premises, pursuant to the report of the same committee. 15 normal school.

Seventy-six pounds fifteen shillings and one penny, at the disposal of the Governor, to be paid to the superintendent, to defray arrearages in 1855 and 1856, arising from the deficiency in the grant for incidental expenses to meet the amount thereof in those years, pursuant to the report of the same committee. 76 15 1 superintendent of do.

Thirty-eight pounds and ten shillings to Hugo Reid, principal of Dalhousie college, out of the funds granted for school libraries, to pay for two hundred copies of his map of Nova Scotia remaining on hand, such maps to be placed at the disposal of the superintendent of education, pursuant to the report of the same committee. 38 10 Hugo Reid.

Fifteen pounds to J. S. Cunnabell, to enable him to provide three sets of his school illustration board invented by him, on condition that one of them be sent to the normal school to test its utility, pursuant to the report of the same committee. 15 J. S. Cunnabell.

Fifty pounds to the managers of the infant school at Halifax, in support of that institution for the present year, pursuant to the report of the same committee. 50 infant school Halifax.

Forty-five pounds to the trustees of the union African school in Halifax, to discharge the debt due on that institution, pursuant to the report of the same committee. 45 African school, Halifax.

Twenty-four pounds and ten shillings to Susan Kelly, twenty-four pounds ten shillings to John Barnaby, and twenty-four pounds ten shillings to John Gully, to aid them in completing the education of their deaf and dumb children, now at institutions in the United States. 24 10 Susan Kelly.
24 10 John Barnaby.
24 10 John Gully.

Such sum, at the disposal of the Governor, as will be sufficient to defray the expenses of the post office department for the present year, and also to pay the several grants recommended in the report of the committee on the post office, including the post office money order system. Post office expenses.

The allowance now made to collegiate and academical institutions, including King's College, Windsor, is continued under existing regulations for the present year. Allowances to collegiate and academical institutions.

Three hundred and thirty-three pounds one shilling and seven pence to A. & W. McKinlay, in full of their account, for stationery and binding for the house of assembly during the past year. 33 1 7 A. & W. McKinlay.

332 16 10 extra messengers, &c.

Three hundred and thirty two pounds sixteen shillings and ten pence to defray the expense of extra messengers and other services, and to pay for fuel and other articles for the house during the present session—pursuant to the report of the committee on contingencies.

995 17 2 contingent expenses leg. council.

Nine hundred and ninety-five pounds seventeen shillings and two pence, to defray the contingent expenses of the legislative council for the present session.

Allowance for ancient journals of assembly.

Such sum, at the disposal of the honorable Financial Secretary, as may be necessary to purchase copies of the ancient journals of the assembly for the use of the legislature.

20 additional copies H. A. debates.

Twenty pounds to defray the expense of publishing one hundred and forty additional copies of the debates and proceedings of the house of assembly, pursuant to the report of the committee on reporting for the last session.

Obligations of ferrymen, &c.

2. The owners or agents of all steam boats and packet boats, and all ferrymen or owners of ferry boats, shall, before receiving any grants from the public revenues of this province, have performed a full years service for which such grant is claimed, and shall have made a return to the government of the number of passengers, quantity of merchandize, cattle, horses, and other animals transported by their conveyances, the amount received for such service, and the number of times they have been obliged to cross and re-cross their respective routes or ferries, by the regulations of the sessions or otherwise during the year; which return shall be certified to the satisfaction of the Governor. All persons receiving grants of money from the revenues of this province for ferries, shall be obliged to convey her Majesty's mails, and before receiving their grants shall procure and transmit to the Financial Secretary a certificate of the sessions for the county, or if such ferry be in operation between two counties, a certificate of the sessions of both of such counties that the service has been performed under their regulation and to their satisfaction.

Casualty vote.

3. If any of the bridges on main post roads of this province shall be unexpectedly destroyed or obstructed by any accident or obstacle, the Governor may order a commissioner to rebuild or repair such bridge or to remove such obstructions, and may draw warrants on the treasury for the amount expended in favor of such commissioner; but the whole amount expended during the year shall not exceed one thousand pounds; and the respective sums so drawn shall be charged at the next session of the assembly as against the several counties in which the same shall have been expended.

Roads and bridges.

4. The following sums granted for the service of the roads and bridges in the counties hereinafter mentioned in previous years, and remaining undrawn, shall be applied pursuant to resolutions of the house of assembly, passed during the present session, and agreed to by the legislative council:

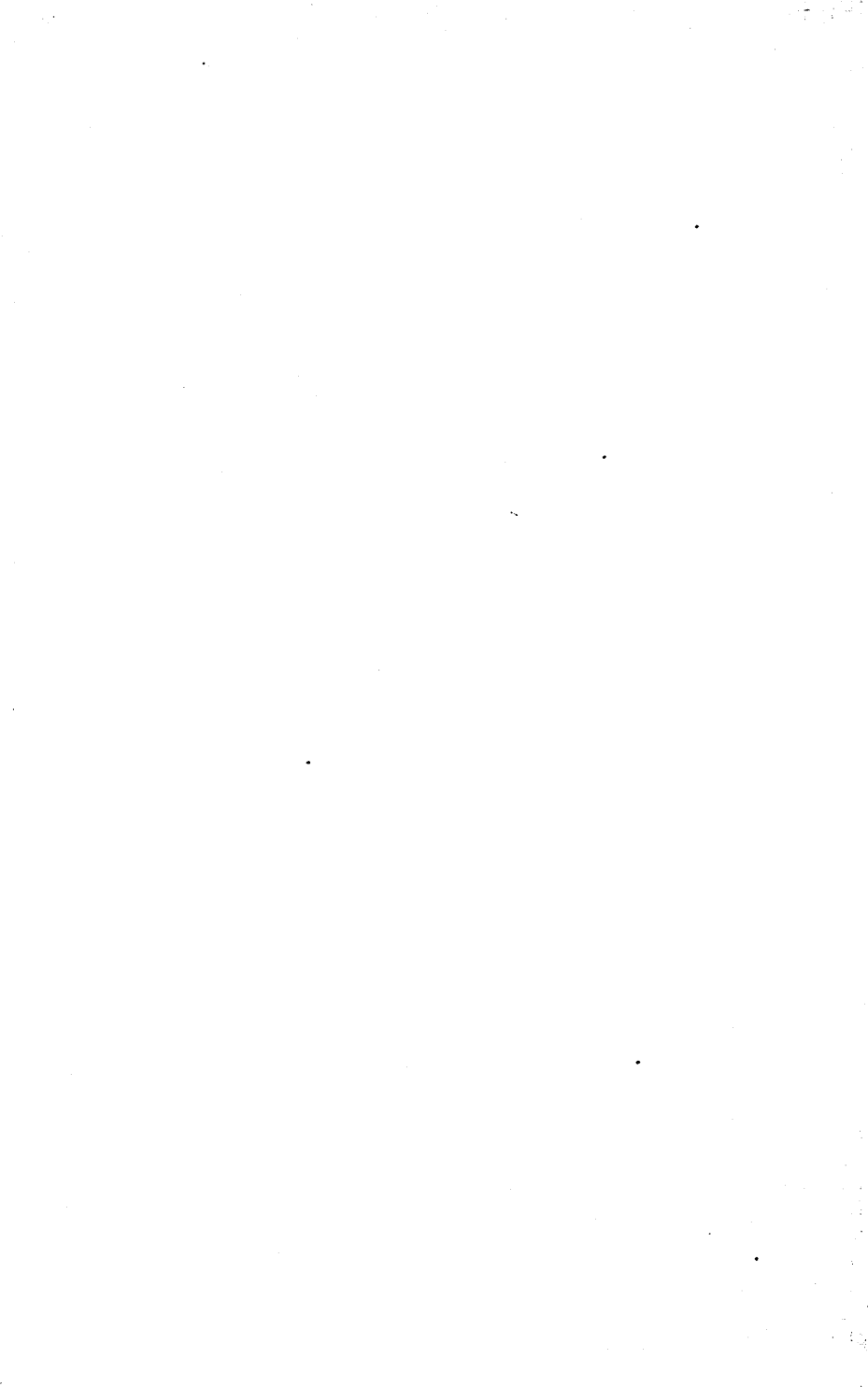
County of Halifax.....	£43	14	8
Hants.....	33	13	4
Kings.....	250	12	1
Annapolis.....	131	6	9
do.....	7	13	9
Digby.....	73	19	11
Shelburne.....	24	8	2
Lunenburg.....	39	8	6
Colchester.....	73	13	9
Pictou.....	21	16	9
Cumberland.....	19	19	1
Guysborough.....	32	12	5
Richmond.....	172	19	0
Sydney.....	49	2	0
Cape Breton.....	177	10	2
Victoria.....	110	5	3

5. The sum of twenty-five thousand pounds, granted for the road and bridge service for the present year, shall be applied as follows :

County of Halifax.....	£1839
Pictou.....	1800
Inverness.....	1650
Hants.....	1498
Lunenburg.....	1500
Colchester.....	1460
Cumberland.....	1460
Cape Breton.....	1421
Kings.....	1350
Annapolis.....	1300
Yarmouth.....	1220
Shelburne.....	1220
Digby.....	1220
Sydney.....	1220
Richmond.....	1220
Victoria.....	1220
Guysborough.....	1220
Queen's.....	1182



LOCAL ACTS.



CHAPTER 50.

An Act to authorize the construction of an Aboiteau across Messenger Creek, in the County of Annapolis.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.—Proprietors of Marsh empowered to build Aboiteau.

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

1. The proprietors of the marsh adjoining Messenger's Creek, in the county of Annapolis, for the purpose of protecting their lands against the tide waters flowing therein, under the direction and subject to the statutes regulating commissioners of sewers and the regulating of dyked and marsh lands, may build and erect across the said creek an aboiteau at, near, or such a distance from the mouth of the said creek as may seem to the superintendent of the work most efficient for the attainment of their object.

Proprietors of
Marsh empow-
ered to build
Aboiteau.

CHAPTER 51.

An Act to legalize the Jury Lists for the County of Yarmouth.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.—Jury lists prepared in Feb. 1858 declared valid.

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

1. The jury lists for the county of Yarmouth, prepared in the month of February in the present year by the committee of the municipal council shall be valid, notwithstanding any delay that may have taken place in the confirmation of such lists.

Jury lists prepa-
red in Feb. 1858
declared valid.

CHAPTER 52.

An Act to add a Polling Place in Queen's County.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.—Boundaries of district. Polling place.

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

1. The district comprised within the following limits shall be a separate polling District in Queen's County, that is to say: Bounded on the north-east by the line of the county of Lunenburg, on the south-east by the line of the township of Liverpool, on the south-west by the Liverpool river, and on the north-west by the Brookfield road, and the Ponhook and Malaga Lakes; and the polling place shall be at some convenient place in Greenfield, near the bridge.

Boundaries of
district.

Polling place.

CHAPTER 53.

An Act to amend the Act to alter the time of holding the Sessions for the County of Victoria.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.

1. Grand jury to attend at January meeting.

SECTION.

2. Part cap. 39 act 1857 repealed.

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

Grand jury to attend at January meeting.

Part Cap. 39 act 1857 repealed.

1. The grand jury of the county of Victoria shall, after this year, attend the sessions during the January meeting, instead of at the July meeting, as at present.
2. So much of chapter 39 of the acts of 1857 as is inconsistent with this act is repealed.

CHAPTER 54.

An Act to legalize the Jury Lists for the County of Inverness.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.—Grand and petit jury panels declared legal.

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

Grand and petit jury panels declared legal.

1. The grand and petit jury panels for the county of Inverness, drawn to attend at the ensuing June and October terms of the supreme court, and any special jurors already or hereafter to be drawn for such terms for said county, and also for the ensuing January term of the general sessions of the peace, are hereby declared legal, notwithstanding the lists of jurors may not have been revised by a committee of justices as required by law.

CHAPTER 55.

An Act to authorize the sale of the old Court House at Sherbrooke.

SECTION.

1. Committee for erecting new court house, &c., empowered to sell old one. Application of proceeds.

SECTION.

2. Not authorized to sell the land.

(Passed the twenty-fourth day of March, A. D. 1858.)

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

Committee for erecting new court house, &c., empower-

1. The committee appointed or to be appointed by the sessions of the district of St. Mary's, in the county of Guysborough, for the purpose of erecting a new court house and lock-

up house at Sherbrooke, shall have power to sell the building, heretofore used for those purposes, and to apply the proceeds towards the erection of a new building, to be used as a court house and lock-up house in such district; and such committee shall account to the sessions for the disposal of the proceeds resulting from such sale.

ed to sell old one.

Application of proceeds.

2. Nothing herein contained shall authorize the committee to sell or dispose of the land on which the old building stands.

Not authorised to sell the land.

CHAPTER 56.

An Act for naming the Village of Welsford, in the County of Pictou.

(Passed the twenty-fourth day of March, A. D. 1858.)

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

1. The village of River John, in the county of Pictou, heretofore known as River John village, shall hereafter be known as the village of Welsford.

CHAPTER 57.

An Act to establish a Polling District at Dalhousie, in King's County.

(Passed the 12th day of April, A. D. 1858.)

SECTION.—Boundaries of district. Polling place.

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

The district comprised within the following limits shall be a separate polling district at Dalhousie, in King's county, that is to say: Commencing at the twelve mile bridge, thence running west to the Annapolis county line, thence southerly by such county line till it intersects the Lunenburg county line, thence northerly and easterly on the line between Lunenburg and King's Counties to lake Merry on such line, thence westerly to twelve mile bridge, the place of beginning; and the polling place in such district shall be at or near the dwelling house of William Saunders.

Boundaries of district.

Polling place.

CHAPTER 58.

An Act to provide for repairing the Bridgewater Bridge, in the County of Lunenburg.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Members may borrow £500. Repayment. Proviso.

SECTION.

2. Money how expended.

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

Members may borrow £500.

Repayment.

Proviso.

Money how expended.

1. The members of the county of Lunenburg may borrow, on the pledge of the road monies of the county and the security of this act, a sum not exceeding five hundred pounds, to aid in repairing the bridge at Bridgewater, in that county, such loan to be repaid by equal annual instalments of one hundred and sixty-six pounds thirteen shillings and four pence, out of the road grants for the years 1859, 1860, and 1861, with interest, at a rate not exceeding six per cent., until the whole sum borrowed shall have been repaid; provided that the sum of one hundred pounds be appropriated to that service out of the county road monies for the present year.

2. The monies borrowed under this act shall be expended by commissioners, to be appointed by the Governor in Council.

CHAPTER 59.

An Act to amend the Act for the regulation of the Town Marsh at Annapolis.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Supervisors shall enclose Marsh and sell hay.

SECTION.

2. Application of proceeds.

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

Supervisors shall enclose Marsh and sell hay.

Application of proceeds.

1. The supervisors of the Town Marsh at Annapolis shall enclose the same so as to preserve the grass thereon, which they shall annually sell at public auction for the period of four years.

2. The proceeds arising from the sale of the grass shall be invested, from time to time, by the supervisors, at interest, and the accumulation of principal and interest shall form a fund to assist in renewing the dyke round the marsh.

CHAPTER 60.

An Act relating to a Burial Ground in the Townplot of Newport.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Trustees—appointment of—name of office—members of—duties of.
2. Powers of trustees.

SECTION.

3. Burial ground to be free to all denominations, &c.
4. Titles of the land not affected.

Whereas in the original laying out of the township of Newport, a reservation was made of a certain piece of upland in the town-plot of Newport, near the town landing, for a public burial ground, which has been occupied and used as such ; but for want of authorized persons to take charge of such burial ground the same has not been properly enclosed and kept in order, and encroachments and trespasses have been committed thereon :

Preamble.

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

1. The inhabitants of the township of Newport, at any of their annual town meetings for providing for the support of their poor, may nominate and appoint three inhabitants of the township to be trustees for such burial ground, whose name of office shall be "The trustees of the Newport burial ground," and upon the death, removal, or refusal to act, of any one or more of such trustees, from time to time, at any such further town meeting, may appoint some other inhabitants to supply every such vacancy, so that the number of the trustees may never be reduced below three, and the trustees are hereby authorized and empowered to take charge of such burial ground, and to take such measures as they may think proper for the protection thereof.

Trustees—appointment of—name of office—members of—duties of.

2. The trustees, or any two of them, in their name of office, shall have full power to commence, sue, and prosecute actions for any trespasses committed or damage done by any person in or upon such burial ground, or any part thereof.

Powers of trustees.

3. The burial ground shall be open and free for the interment of the dead of all classes and denominations of persons, and according to such rites and ceremonies as the friends of the deceased may think proper, subject to the directions of the trustees.

Burial ground to be free to all denominations, &c.

4. Nothing in this act shall affect the right or title of any person whomsoever to the land comprised in such burial ground, or to any part thereof

Titles to the land not affected.

CHAPTER 61.

An Act to provide for a Public Road and Slip at Digby.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Members empowered to borrow £500.
Repayment.

SECTION.

2. How expended

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

Members em-
powered to
borrow £100.

Repayment.

How expended.

1. The members of the county of Digby may borrow, on the pledge of the road monies for the county and the security of this act, a sum not to exceed one hundred pounds, to aid in building a public road and slip at Digby, such loan to be repaid during 1859, 1860, and 1861, by annual instalments of one third of the sum borrowed, with interest at a rate not exceeding six per cent. per annum, until the whole sum borrowed shall have been repaid.

2. The money borrowed under this act shall be expended by commissioners, to be appointed by the Governor in council.

CHAPTER 62.

An Act to legalize the proceedings of the Sessions of the County of Richmond.

(Passed the 12th day of April, A. D. 1858.)

SECTION.—Proceedings of February sessions confirmed.

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

Proceedings of
February ses-
sions confirm-
ed.

1. The proceedings of the sessions for the county of Richmond in February term of the present year, if in other respects legal, are hereby confirmed, notwithstanding the decease of the custos of such county and the non-appointment of his successor, previously to such term.

CHAPTER 63.

An Act to authorize the Sale of the Colchester Academy.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Commissioners' Sale.
2. Conveyance.

SECTION.

3. Application of proceeds.

Preamble

Whereas the building at Truro, known as the Colchester Academy, with the land whereon the same stands, is vested in trustees for the benefit of certain persons interested therein as shareholders, being either the original shareholders or repre-

sentatives of such shareholders, at whose expense the said land was purchased and the building thereon erected; and whereas, the parties beneficially interested therein are desirous of disposing of the said property, and appropriating the proceeds to other purposes:

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

1. Thomas M. Crow, Charles Blanchard, and Robert Smith, are hereby appointed commissioners to sell the said property at public auction, after one month's public notice thereof.

Commissioners' Sale.

2. The same shall be sold at public auction after one month's public advertisement, by handbills, in Truro and the neighbourhood; and a conveyance made by the said commissioners in pursuance of such sale shall be sufficient to transfer to such purchasers a title to the said lands, divested from the trusts aforesaid.

Conveyances.

3. On such sale the proceeds arising therefrom shall be applied as follows: To such of the shareholders or their representatives as shall, within one month after such sale, demand the same, shall be repaid their proportion, estimated by the original contributions thereto, the balance remaining shall be appropriated to build a school to be used by the congregation of Presbyterians at Truro as a Sunday school.

Application of proceeds.

CHAPTER 64.

An Act to alter certain Polling Places and the boundaries of certain Electoral districts in Cumberland.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Boundaries of district No. 1.
2. District No. 5. Polling place.

SECTION.

3. District No. 6. Polling place.
4. District No. 11.

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

1. The boundaries of electoral district number one, in the county of Cumberland, as now established, shall be altered as follows: By running from the Bay of Fundy line southerly following the several courses thereof, and up the Maccan River to Woods' bridge, thence easterly by the road to the gate on the Parrsboro' road, thence across the same easterly in a direct line to the southern angle of Amherst township line, near Isaac Stuart's, and to be bounded southerly by number six.

Boundaries of district No. 1.

2. The boundaries of electoral district number five, in the county of Cumberland, as now established, shall be altered as follows: By a line commencing at the rear line of lot number forty-eight, thence easterly to the south-west angle of Frankland manor, thence to the south end of Boar's back, thence northerly along the said Boar's back to the north end thereof to the south of the Holmes and Atkinson Mills, and so as to

District No. 5.

include the same, their dwelling houses, and Thomas Shipley's farm, thence south-easterly in a direct line to the mouth of the Little Fork river, on the Maccan, thence northerly down the Maccan River to the line of number one, and to be bounded easterly by numbers one and six, westerly by numbers ten and eleven, northerly by the Bay of Fundy. The polling place number five to be hereafter at or near River Herbert bridge.

Polling place.

District No. 6.

3. The boundaries of electoral district number six, in the county of Cumberland, as now established, shall be altered as follows: The said district shall be bounded easterly by number four, westerly and northerly by number five, and southerly by number eleven. The polling place of said district to be hereafter at or near Joseph Hoey's, in Maccan.

Polling place.

District No. 11.

4. Number eleven shall be altered as follows: Commencing at the rear line of number forty-eight, thence easterly to the south-west angle of Frankland manor.

CHAPTER 65.

An Act relating to the width of certain Roads in the County of Digby.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—New road to Timpany's landing.

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

New road to
Timpany's lan-
ding.

1. The freeholders to be appointed under chapter 62 of the revised statutes, may lay out a new road from the main post road on Digby Neck to Timpany's landing, of a less width than fifty feet, if they shall consider such lesser width to be sufficient for the accommodation of the public, and the sessions may confirm the same.

CHAPTER 66.

An Act to authorize a loan to pay for certain public services in the County and Township of Pictou.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Members may borrow £869. Application of loan. Repayment.

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

Members may
borrow £869.

Application of
loan.

1. The members for the county and township of Pictou may borrow, on the pledge of the road monies of the county and the security of this act, a sum not to exceed eight hundred and sixty-nine pounds, and shall apply the same to the payment of the following sums, viz: Sixty-five pounds due for erecting a bridge at River John; one hundred and fifty pounds due for repairing Loch Broom bridge, and six hundred and

fifty-four pounds due for re-building a bridge at Durham, over the West River of Pictou, such loan to be repaid by annual instalments of two hundred pounds in the years 1859, 1860, and 1861, and the residue in the year 1862, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

Repayment.

CHAPTER 67.

An Act to provide for the extension of the new Eastern Road, between Manchester and the Strait of Canso.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Members of Guysboro' may borrow £1000 to aid in extending road.

SECTION.

2. Repayment.
3. Monies how expended.

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

1. The members for the county of Guysborough, or either of them, may borrow on the pledge of the road monies of the county and the security of this act, a sum not to exceed one thousand pounds, to aid in extending the new eastern road between Manchester and the Strait of Canso, in the county of Guysborough.

Members of
Guysboro' may
borrow £1000
to aid in ex-
tending road.

2. Such loan shall be repaid by annual instalments of two hundred pounds during the years 1859, 1860, 1861, 1862 and 1863, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

Repayment.

3. The monies borrowed under this act shall be expended by commissioners appointed by the Governor in council.

Monies how ex-
pended.

CHAPTER 68.

An Act to provide for the extension of the new Road from Antigonishe to the Strait of Canso.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Members may borrow £300.
2. Repayment.

SECTION.

3. How expended.

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

1. The members for the county of Sydney may borrow, on the pledge of the road monies of the county and the security of this act, a sum not to exceed three hundred pounds, to aid in extending the new road from Antigonishe to the Strait of Canso, at Aulds.

Members may
borrow £300.

2. Such loan shall be repaid by two annual instalments of one hundred and fifty pounds each, during the years 1859 and

Repayment.

1860, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

How expended.

3. The monies borrowed under this Act shall be expended by commissioners, to be appointed by the Governor in council.

CHAPTER 69.

An Act to provide for the construction of certain Roads in Hants County.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Members empowered to borrow £250.
2. Repayment.

SECTION.

3. Monies how expended.

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

Members empowered to borrow £250.

1. The members for Hants county may borrow, on the pledge of the road monies of the county and the security of this act, a sum not to exceed two hundred and fifty pounds, to be applied in constructing certain new roads to connect with the railway in that country.

Repayment t.

2. Such loan shall be repaid by two annual instalments of one hundred and twenty-five pounds during the years 1859 and 1860, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

Monies how expended.

3. The monies borrowed under this act shall be expended by commissioners, to be appointed by the Governor in council.

CHAPTER 70.

An Act to define, extend, and establish the lines of townships in the County of Lunenburg.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Appointments of Surveyors to define township lines of Chester, New Dublin, and Lunenburg.

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

Appointments of surveyors to define township lines of Chester, New Dublin, and Lunenburg

1. The grand jury of the county of Lunenburg shall, when required by the general sessions of the peace, nominate nine persons, three of whom shall be residents in the township of Chester, three in the township of New Dublin, and three in the township of Lunenburg, to be surveyors for defining, extending, and establishing the lines of those townships, respectively, subject to the provisions of chapter 48 of the revised statutes: and such lines, when confirmed by the sessions, shall be binding.

CHAPTER 71.

An Act to authorize the placing of a Draw in the Lower Cornwallis Bridge.

(Passed the 7th day of May, A. D. 1858.)

SECTION—Sessions may authorize a draw on presentment of Grand Jury, &c.

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

1. The sessions of Kings county, upon the presentment of the grand jury, are authorized to cause a draw to be placed in the lower bridge, over the Cornwallis river, and such bridge shall thereafter be subject to all the provisions of chapter 71 of the revised statutes, "Of certain bridges and public landings."

Sessions may authorize a draw on presentment of grand jury, &c.

CHAPTER 72.

An Act to provide for the erection of a Poor House in Cornwallis.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Committee authorized to buy land and erect a building.
2. Expenses how defrayed.

SECTION.

3. Committee empowered to mortgage the land.

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

1. John M. Caldwell, Peter Wickwire, George W. Fisher, Levi W. Eaton, James Eaton, Charles Dickie, James Bligh, Robert W. Beckwith, John Ruscoe, and Holmes C. Masters, being the committee appointed for that purpose at the annual town meeting in Cornwallis, in November last, are hereby authorized to purchase a lot of land and erect thereon buildings suitable for the accommodation of the poor of that township; provided the whole cost of such land and buildings shall not exceed two thousand pounds.

Committee authorized to buy land and erect a building.

2. The inhabitants of the township of Cornwallis may be assessed for the sum necessary to defray the above expense in manner prescribed by chapter eighty-nine of the revised statutes, and such assessment may be made and collected in one year, or may be divided into instalments of not less than three hundred pounds, and extended over a period of six years; but the real and personal estate in the township shall be a security for the cost of such lot and poor house, until the whole amount and interest thereon are fully paid off and satisfied.

Expenses how defrayed.

3. The committee shall have power to mortgage the lot of land hereinbefore mentioned, if it shall seem expedient for them so to do, and shall apply the monies raised by such mortgage towards the completion of the poor house, such loan to bear interest not exceeding six per cent.

Committee empowered to mortgage the land.

CHAPTER 73.

An Act to repeal the Act for the Municipal Government of Counties, so far as relates to the Township of Yarmouth.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Proceedings to repeal act if majority of votes are in favor. Appointment of custos, &c.
2. If majority is in favor of the repeal old municipal officers to remain until appointment of custos, &c.

SECTION.

3. Township to be liable for municipal obligations.
4. Session when held, &c.—Township officers, when appointed.

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

Proceedings to repeal act if majority of votes are in favor.

1. At the next municipal election to be held for the municipality of Yarmouth, in addition to the election of officers now required to be made thereat, a poll shall be taken for the purpose of ascertaining the sense of all duly qualified electors for or against the repeal of the act for the municipal government of counties, so far as relates to such township of Yarmouth; and if the result of such vote shall be a majority in favor of such repeal, the warden of the municipality shall forthwith communicate to the Provincial Secretary that fact; and thereupon the Governor shall, by proclamation in the Royal Gazette, declare that the act for the municipal government of counties is repealed, so far as regards the township of Yarmouth; and within one month after such proclamation, a custos and a sufficient number of justices of the peace shall be appointed to manage and conduct the business of such township, in the same manner as if the act for the municipal government of counties had not been passed.

Appointment of custos, &c.

If majority is in favor of the repeal, old municipal officers to remain until appointment of custos, &c.

2. If, on such poll being taken and ascertained, a majority shall appear in favor of the repeal of such act, no return shall be made of the officers who otherwise would have been elected at such municipal election; but all the municipal officers who acted during the previous year shall continue to hold office until they are superseded by the appointment of the custos and justices, and of other officers to be nominated at the first general sessions to be held in such township after such repeal is notified and proclaimed, as hereinbefore mentioned.

Township to be liable for municipal obligations.

3. All the obligations binding upon the municipality of Yarmouth under such act shall be liabilities against the township of Yarmouth, in the event of the hereinbefore recited act being repealed as herein mentioned, and shall be adjusted and settled by the authorities, to be constituted under this act.

Session when held, &c.—township officers, when appointed.

4. If the act hereinbefore mentioned shall be repealed under the provisions of this act, the sessions in Yarmouth shall thereafter be held on the first Tuesday of March and the first Tuesday of September in each year; and all township officers

shall be appointed and the necessary township business settled at the March sessions, at which sessions alone the grand jury shall attend.

CHAPTER 74.

An Act to authorize a loan for the purchase of a lot, and construction thereon of a Water Tank for the Town of Pictou.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Appointment of commissioners. May borrow £1000. Repayment. Appropriation. Proviso.

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

1. The inhabitants of the town of Pictou, at their annual town meeting in April next, are hereby authorized to appoint seven commissioners, for the purpose of purchasing a lot and building a water tank, for the purpose of supplying the inhabitants of the town of Pictou with water, and such commissioners are authorized to borrow a sum, not exceeding one thousand pounds currency, for such purpose, to be repaid to the lenders thereof by annual instalments of one hundred pounds, with interest, to be assessed on the town, which said sum, or so much thereof as may be necessary, shall be appropriated by the commissioners for the purpose aforesaid ; provided always, that the estimate of cost of plans and specifications for said work be first submitted to and approved by the general sessions of the peace for the said county of Pictou ; and provided also, that no assessment shall be made unless at least two thirds of the persons entitled to vote at such public meeting shall record their votes in favor of such assessment.

Appointment of commissioners.

May borrow £1000.

Repayment.

Appropriation.

Proviso.

CHAPTER 75.

An Act respecting the General Assessment of the City of Halifax for the present year.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Council empowered to assess for £12250.

Whereas a necessity has arisen for largely increasing the assessment in the city of Halifax for the present year, but which it is proposed to reduce in future years to a sum not exceeding eight thousand pounds :

Preamble

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

1. The city council shall have power to raise by assessment, for the present year, the sum of twelve thousand two hundred and fifty pounds to defray the expenses of the city, in place of the sum authorized by the first clause of chapter 30 of the acts of 1857.

Council empowered to assess for £12250.

CHAPTER 76.

An Act to legalize the proceedings of the Special Ssssions in Pictou.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Proceedings of special sessions held 26th March, 1858, legalized.

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

1. The proceedings of a special sessions held at Pictou on the twenty-sixth day of March, 1858, to provide additional funds for the services of the firewards for the present year, are hereby legalized and confirmed.

Proceedings of special sessions held 26th Mar. 1858 legalized.

CHAPTER 77.

An Act to amend the Act, entitled, An Act to limit the erection of Wooden Buildings within the City of Halifax.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—North Baptist chapel excepted.

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

The operation of the act hereby amended shall not extend to the chapel about to be erected by the north Baptist church and congregation.

North Baptist chapel excepted.

CHAPTER 78.

An Act to enable the City of Halifax to raise additional sums by Loan and by Assessment for the services therein mentioned.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. City empowered to borrow a further sum of £4000 for city prison.
2. City empowered to borrow a further sum of £4500 for city hospital.

SECTION.

3. City may assess for £500 to complete survey.
4. Proviso.

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

1. The city of Halifax shall have power to borrow, on the credit of the city, in addition to the sum of five thousand pounds already authorized to be borrowed for building a city prison, the further sum of four thousand pounds, in the same manner, on the same terms, and for the same purpose as mentioned in chapter 46 of the acts of 1854, and amended by chapter 57 of the acts of 1857, for the erection of a city prison.

City empowered to borrow a further sum of £4000 for city prison.

2. The city is further empowered to borrow, on the credit of the city, in addition to the sum of five thousand pounds already authorized to be borrowed for building a city hospital, by chapter 51 of the acts of 1855, a further sum of four thousand five hundred pounds, in the same manner, on the same terms, and for the same purpose as mentioned in the act last named.

City empowered to borrow a further sum of £4500 for city hospital.

3. The city shall have authority to raise the sum of five hundred pounds by assessment, for completion of the survey of the city, in addition to the sum of five hundred pounds authorized by chapter 42 of the acts of 1856, such additional sum to be assessed, collected, paid, and applied in like manner as the said original sum is applied under last recited act.

City may assess for £500 to complete survey.

Provided, that no further sum than that which has already been paid shall be paid to the persons engaged in, or for or on account of such survey, until the whole survey shall be completed, and the plans accurately drawn and finished, shall be delivered to the city council for the use of the city.

Proviso.

CHAPTER 79.

An act to amend the Act passed in the year of our Lord One Thousand Eight Hundred and Fifty-five, relating to Public Landings.

(Passed the 7th day of May A. D. 1858.)

SECTION.—Proceedings to lay out public landing in Cumberland.

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

1. The court of sessions for the county of Cumberland are empowered and authorized, on application by petition, to appoint a committee to report on the necessity of public landing on any river or water communication in the county and on that report to confirm the same, and order a public landing to be laid out and opened accordingly for the benefit of the public, subject to the provisions of chapter 62 of the Revised Statutes, "Of laying out roads other than certain great roads."

Proceedings to lay out public landing in Cumberland.

CHAPTER 80.

An Act to amend Chapter 49 of the Acts of 1853, and Chapter 62 of the Acts of 1856.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Credit obtained under act amended may be continued.

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

1. The members for the county and township of Pictou may arrange with the creditors from whom the amounts were

Credit obtained under act amended may be continued.

borrowed under the acts hereby amended for erecting a bridge over the West River of Pictou, and for rebuilding Melford Bridge over the West River of Pictou, for a further extension of the credit under those acts respectively for one year and no longer.

CHAPTER 81.

An Act to amend the law respecting Licenses in the City of Halifax, and prosecutions connected therewith.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

- 1. Suits for penalties, &c., how brought.
- 2. Form of summonses.
- 3. Conviction—form of.
- 4. Judgment how enforced.

SECTION.

- 5. Repayment—acts repealed. Eighth section city bye-laws annulled.
- 6. Auctioneer's license.

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

Suits for penalties, &c., how brought.

1. All suits for penalties for the breach of the license laws incurred by selling spirituous liquors without license, and all suits and prosecutions against parties having licenses for violation of the law, or for breach of any bye-law of the city, regulating licensed houses, shall, where the offence has been committed within the city of Halifax, be brought in the name of the city in the police court.

Form of summonses.

2. The summonses to be issued in such cases shall be in the form following, viz:

CITY OF HALIFAX.

IN THE POLICE COURT.

To the City Marshal or his Deputy,—

You are hereby commanded to summon of the city of Halifax, to be and appear before the police court, in the city of Halifax, on the day of at eleven o'clock in the forenoon, to answer to the suit of the city of Halifax for breach of the laws of the province (or ordinances of the city) respecting licenses, in having (here state the nature of the offence complained of.)

Witness Esq., Mayor at Halifax, this day of A. D. 185 .

City Clerk,
Or Assistant.

Issued

Conviction—form of.

3. On a conviction for such offences no particular form of entry or record thereof shall be necessary, but any written memorandum made at the time, whereby the date of judgment, name of party convicted, and amount of fine imposed shall appear, made by the court or the clerk thereof, shall be sufficient.

Judgment how enforced.

4. Every such judgment may be enforced by commitment of the offenders, or by distress on his or her goods and chattles.

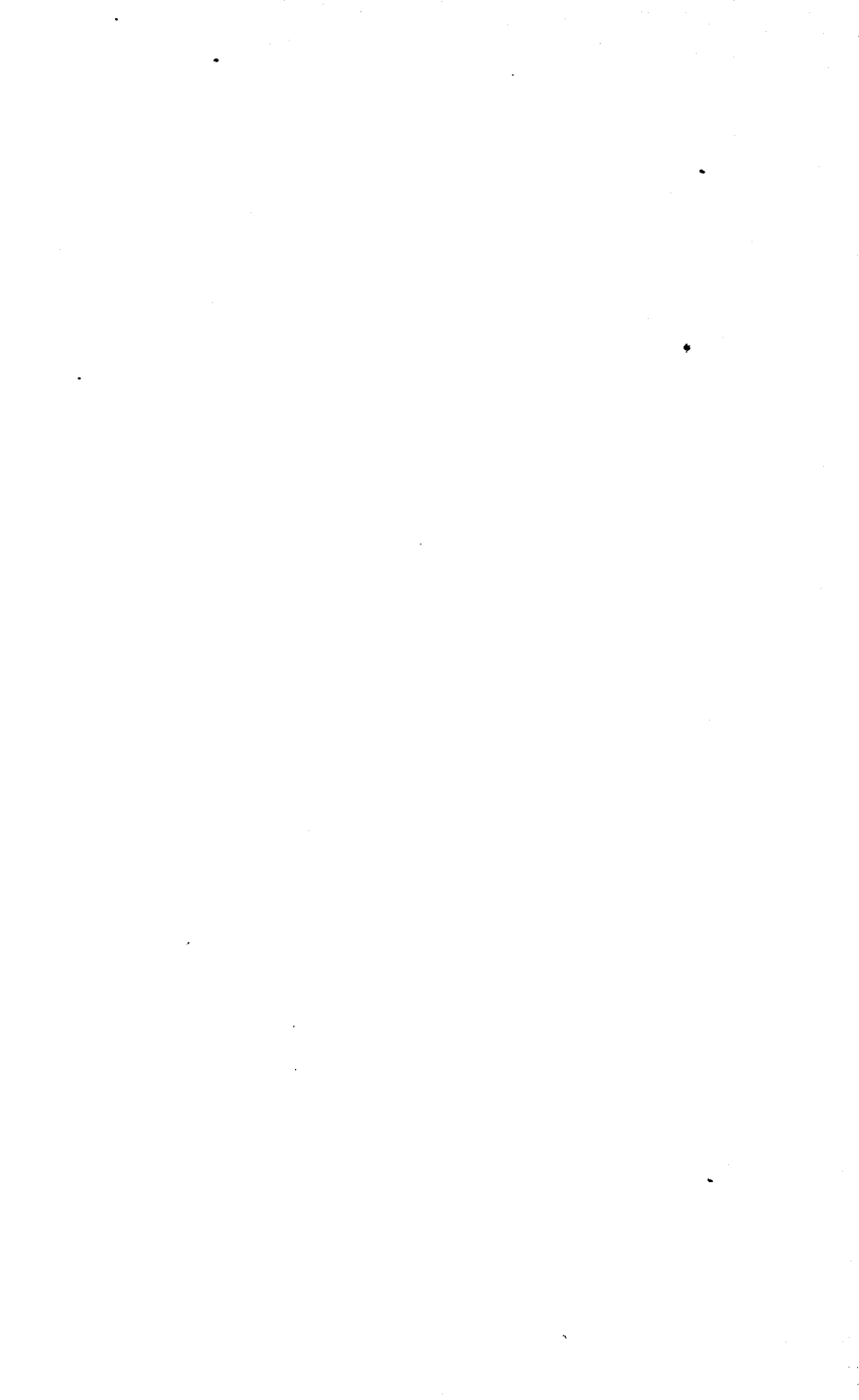
5. So much of section 123 in the act concerning the city of Halifax, passed on the thirty-first day of March, in the year one thousand eight hundred and fifty-one, as refers to the mode of prosecution in the above class of cases, and so much of any other acts or statutes of the province, now in force, as may be repugnant hereunto are hereby repealed, and the eighth section of the bye-laws of such city, passed on the seventh day of July, in the year one thousand eight hundred and fifty-one, entitled, "Prosecutions for a breach of the license laws," is hereby annulled.

Repugnant acts repealed.

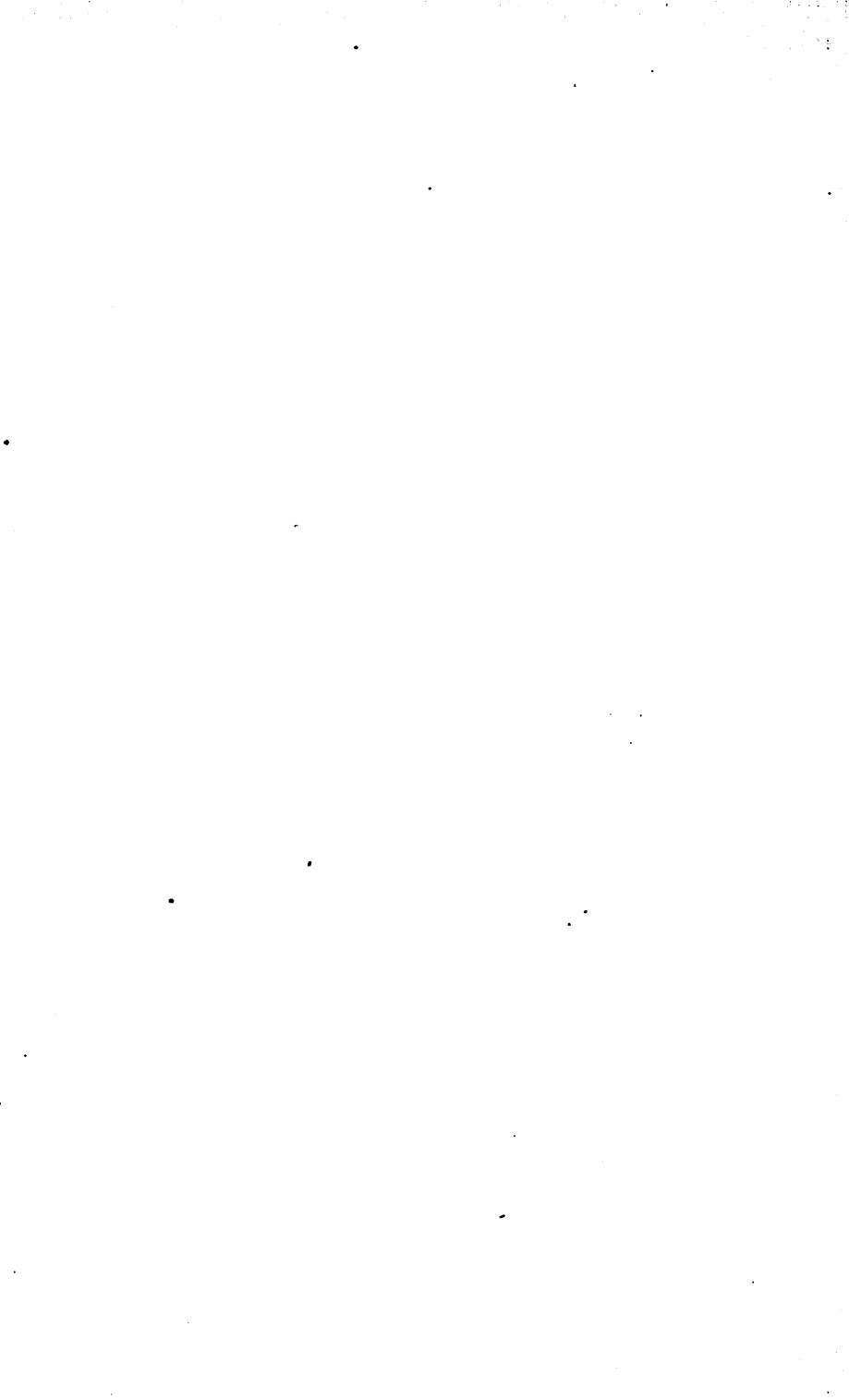
Eighth section city bye-laws annulled.

6. Hereafter auctioneers' licenses in the city of Halifax may be granted by the city council, or by the mayor, subject to the approval of the city council.

Auctioneer's license.



PRIVATE ACTS.



CHAPTER 82.

An Act to naturalize certain Aliens.

(Passed the 24th day of March, A. D. 1858.)

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

1. Pierre Poste, Joseph Emelle Mouchette and John Per-tus, all of Arichat, in the county of Richmond, yeomen, Joseph P. Welsh, of Chester, in the county of Lunenburg, yeoman, Louis D. Beauvillons, of Molasses Harbor, in the county of Guysborough, yeoman, Gustave Peple, of Wolfville, in King's county, professor, Carl Freidr Nordman and Robert Schreiber, of Londonderry, and Almon Berry, of Truro, in the county of Colchester, engineers, George Thick, Henrick Nogentz, Franz Ellinger, Earnest Zimmermann, Wilhelm Zimmermann, Frederick Vogeler, Englebert Strunk, Carl Hirsch, Louis Hermann, Carl Von Sebode, Frederick Eckert, Julius Specht, August Geiling, August Pautzsch, Adolph Rosum, Frederick Kruger, Louis Genssler, August Seeberger, Wilhelm Reichenback, Cardel Fugneit, Martin Dietich, August Steinbienner, Constantz Kalkreuth, Johann Schadel, George Muller, Henry Borkner, Peter Heinrichs, Henry Hammers, Mars Potsdammer, Joseph Scholderle, Montz Witte, Bernhard Ulrich, Edward Seibt, Carl Ross, Julius Schultz, George Kaiser, Andreas Hügler, August Osterthal, Frederick Mast, Louis Schrader, Nicholaus Hahn, Frederick Weber, Frederick Schwertfeger, Wilhelm Hagen, Frederick Hofrichter, Paul Naimüller, Ferdinand Wettnebel, Franz Hoppe, Jacob Udech, Julius Schon, Friedrich Farber, Wilhelm Schulz, Wilhelm Clevercamp, Ernst Kahl, August Thiernst, Conrad Wagner, Julius Metzge, Franz Thalerie, Bernhard Mundrie, Heinrich Spets, and Julius Reuchette, all of Londonderry, aforesaid, miners, Frederick Fleury, John White, Jacob Knorre, Karl Wolfe, Joseph Lion, John Werner, and John Oliver, all of Minudie, in the county of Cumberland, and Julius Frominie, of Wallace, in the same county, yeomen, Darius O. Nutler, of Bridgetown, yeoman, and Frederick Spencer, of Granville, yeoman, and Christopher Peterson, of Maitland, yeoman, as soon as they shall respectively take and subscribe the oath of allegiance to her majesty Queen Victoria, and her successors, in manner prescribed by chapter thirty-two of the revised statutes, shall within the limits of this province become naturalized subjects of her majesty, entitled to all the rights of such subjects as fully as the same can be confirmed, under or by virtue of the act of the imperial parliament, passed in the tenth and eleventh years of her majesty's reign, entitled, "An act for the naturalization of aliens."

CHAPTER 83.

An Act to authorize the sale of the Temperance Hall property at Shelburne.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.—Trustees may sell after notice and give deed.

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

Trustees may
sell after notice
and give deed.

1. The trustees of the temperance hall property at Shelburne, namely, Joshua Snow, George H. Deinstadt, Robert McIntosh, George Synder, and Alexander McNaughton, are hereby empowered to sell the lot of land at Shelburne, belonging to the Sons of Temperance; having first given public notice of such intended sale for at least thirty days previously, and such trustees shall execute and deliver a deed to the purchaser, which deed shall vest in such purchaser the title to such land in fee simple.

CHAPTER 84.

An Act to Incorporate the Port Williams Pier Company.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.

1. Incorporation—title.
2. Management of affairs of company.
3. Capital. Shares. Real estate.
4. Property conveyed to company on 25th Jan. last declared vested in them.

SECTION.

5. Erection of pier, &c., to be free to the public, subject to wharfage, &c., approved by sessions.
6. Bye-laws to be approved by sessions and recorded.
7. Act 8 Vict. cap. 38 repealed.

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

Incorporation
—title.

1. John Starratt, James P. Foster, Joshua Brinton, Gilbert Banks, William Bent, and such other persons as now are or hereafter may become shareholders in the company hereby established, their successors and assigns, are created a body corporate, by the name of the Port Williams Pier Company.

Management of
affairs of com-
pany.

2. The affairs of the company shall be under the management of a president and such other officers as shall be designated by the bye-laws.

Capital.

3. The capital stock of the company shall be limited to two thousand and five hundred pounds, to be divided into shares of five pounds each, and the company may hold real estate not exceeding in value two thousand pounds.

Shares.
Real Estate.

4. The real estate and other property formerly belonging to the Marshall Cove pier company, and which such company, by deed, bearing date twenty-fifth day of January last, conveyed to the Port Williams pier company, are hereby declared to be vested in the company hereby incorporated.

Property con-
veyed to com-
pany on 25th
Jan. last decla-
red vested in
them.

5. The company may erect a public pier or breakwater, with stores and buildings at Port Williams, in the township of Wilmot, upon the land owned by the company or the public in and about such breakwater, which piers, stores, and buildings, shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, storage, and wharfage, as shall be fixed by the company, with the consent of the sessions.

Erection of pier, &c., to be free to the public, subject to wharfage, &c., approved by sessions.

6. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions, and recorded in the registry of deeds for Annapolis county.

Bye-laws to be approved by sessions and recorded.

7. The act eighth Victoria, chapter thirty-eight, entitled, "An act to incorporate the Marshall Cove pier company," is repealed.

Act 8 Vict. cap 38 repealed.

CHAPTER 85.

An Act to Incorporate the Nova Scotia Barristers' Society.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.

1. Incorporation—title.

SECTION.

2. Personal property vested in corporation.

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

1. John W. Ritchie, John C. Halliburton, Samuel Leonard Shannon, Henry C. D. Twining, William Howe, James Thomson, and such other persons as now are or hereafter shall become members of the society hereby incorporated, and their successors, are created a body corporate, by the name of "The Nova Scotia barristers' society."

Incorporation—title.

2. The personal property now belonging to the bar society is vested in the corporation.

Personal property vested in corporation.

CHAPTER 86.

An Act to Incorporate the North British Society in Halifax, Nova Scotia.

(Passed the twenty-fourth day of March, A. D. 1858.)

SECTION.

1. Incorporation—title.

2. Rules of 1853 declared binding and company may collect money due thereunder.

SECTION.

3. Property vested in corporation who may invest it.

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

1. The following persons, that is to say—Peter Ross, John Taylor, William Annand, William Murray, John Watt, Wil-

Incorporation—title.

liam B. Smellie, and John B. Campbell, and all such other persons as now are or hereafter shall become members of the society, shall be a body politic and corporate, by the name of "the North British society, in Halifax, Nova Scotia."

Rules of 1843 declared binding and company may collect money due thereunder.

2. The rules of the society, adopted on the seventh day of November, in the year one thousand eight hundred and forty-three, are hereby declared legal and binding, and the corporation is empowered to collect all monies and arrears due thereunder.

Property vested in corporation who may invest it.

3. The personal property, debts, and effects, now belonging to the society, are vested in the corporation, and the corporation is empowered to invest its funds to such extent and in such way as it shall think fit.

CHAPTER 87.

An Act to authorize the Congregation of the Baptist Church at Canard, Cornwallis, to enclose a portion of the Public Parade Ground, and erect a Shed thereon.

(Passed the twenty-fourth day of March, a. D. 1858.)

SECTION.

1. Trustees may enclose additional piece of common.

SECTION.

2 To be held in the same manner as that granted by act 7 Vic. cap. 6.

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

Trustees may enclose additional piece of common.

1. The trustees of the Baptist church at Canard, Cornwallis, may enclose, in addition to that part of the parade ground now enclosed, an additional piece of such parade ground, extending northerly twenty-five feet from the present fence, and running east and west one hundred and twenty feet, and to erect a shed thereon for the use of the congregation.

To be held in the same manner as that granted by act 7 Vic. cap. 6.

2. The above piece of ground shall be held by the trustees in the same manner as the piece granted to such congregation by the act seventh Victoria, chapter six, entitled, "An act to authorize the congregation of the Baptist church in Canard, in Cornwallis, to appoint trustees to take charge of the said church, and cemetery adjoining the same, and to enclose and ornament the same.

CHAPTER 88.

An Act to Incorporate "The Cape Breton Marine Insurance Company."

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Incorporation—title.
2. Real Estate.
3. Capital. Shares.
4. Liability of members.
5. Bonds to be given by shareholders.
6. Instalments—how collected. &c.
7. Management of affairs of company.
8. First meeting when to be held.
9. Proceedings to be entered and signed by chairman, &c.
10. Book with list of shareholders, &c., to be kept by secretary, in which all transfers must be entered and shall be open to inspection.
11. When to commence business. Proviso.

SECTION.

12. Paid up capital to be invested. Provisoes.
13. Reserved fund—division of profits.
14. Books, &c., to be open to the inspection of persons appointed by the Governor in council, and amount of deposit made known to Governor before policies issued.
15. General annual meeting. Proceedings at.
16. Office and duties of president and directors.
17. Votes. Proviso.
18. General meeting how called at any time. Proviso. Quorum.

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

1. Edward P. Archbold, Samuel Brookman, Charles Muggah, Michael Carline, John Lorway, jr., Thomas S. Bown, Thomas Townsend, James Muggah, James Lorrway, and James P. Ward, and such other persons as are or may hereafter become shareholders in the company hereby established, shall be a body corporate, by the name of "The Cape Breton Marine Insurance Company," for the purpose of conducting the business of marine insurance at Sydney, in the island of Cape Breton.

Incorporation—title.

2. The company may hold real estate not exceeding the value of two thousand pounds.

Real Estate.

3. The original capital stock of the company shall be eight thousand pounds, which may subsequently be increased by vote of the shareholders to sixteen thousand pounds, to be divided into shares of ten pounds each, which shall be numbered in regular progression, but no member of the company shall hold more than fifty shares.

Capital.

Shares.

4. No member of the corporation shall be liable on account of the debts of the company to a greater amount in the whole than double the amount of the stock held by him, deducting the monies paid thereon to the company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of members.

5. Every shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the company either a bond with a mortgage on real estate to accompany the same, or otherwise

Bonds to be given by shareholders.

a bond with two sufficient sureties—such bonds to be renewable as often as the president and directors shall require, and to be conditioned for the payment of the residue of the calls to become due or payable on the shares held by him—which securities shall be subject to the approval of the first six persons named in this act, until the board of directors shall be chosen, and afterwards to the approval of such board.

Instalments—
how collected,
&c.

6. All calls or instalments on account of the shares shall be paid by the several shareholders at such times and in such equal proportions as the directors shall appoint; and notice of the times and places of paying such calls shall be given by them by advertisement in at least three public places within the island of Cape Breton, or by publishing the same in the local newspapers, if any, thirty days at least previous to the time of payment.

Management of
affairs of com-
pany.

7. The management of the affairs of the company shall be conducted by a board, to consist of a president and four directors, who may appoint such necessary officers and servants as the company shall, by their bye-laws, direct.

First meeting
when to be held.

8. So soon as the sum of eight thousand pounds is subscribed for, the company may hold their first meeting.

Proceedings to
be entered and
signed by chair-
man, &c.

9. The proceedings of every general or special meeting of the company shall be entered by the secretary, or such other person as shall attend in his place, in a book to be kept for the purpose, and shall then be signed by the chairman of the meeting, and, being so entered and signed, shall be deemed to be the original orders and proceedings of the company, and when proved shall be legal evidence thereof,—which book shall be kept at the office of the secretary, and shall be open for the inspection of any person who may desire to see the same, at all reasonable times, without fee.

Book with list
of shareholders,
&c., to be kept
by secretary, in
which all trans-
fers must be en-
tered and shall
be open to in-
spection.

10. The secretary shall also keep in his office a book containing a record of the original subscriptions of stock and of all alterations in the ownership thereof, together with the amount paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire to see the same, at all reasonable times, without fee.

When to com-
mence business.

11. As soon as the whole original capital shall have been subscribed, and the sum of two thousand pounds shall have been actually paid in to the company by the proprietors of shares, and sufficient securities shall have been given by them for the balance thereof, the directors may, at their office in Sydney, commence and conduct the business of marine insurance in all its branches, and may make insurance upon all subjects of marine insurance whatsoever; and may transact all matters relating to the business of a marine insurance broker, insurer, or underwriter,—but, until the expiration of one year from the time when the company shall commence the business

Proviso.

of insurance, no greater sum than one thousand pounds, and after the expiration of one year, no greater sum than two thousand pounds, in the whole, shall be insured by the company, and be at risk at the same time upon any one ship or vessel, her cargo, freight, or other interest therein, depending on the same risk.

12. All the paid capital of the company, which shall not be considered necessary to be kept on hand for the payment of losses or expenses, shall be kept constantly invested at interest upon approved securities or in public funds, bank, or other stocks in the name of the company. But no part thereof, beyond the sum absolutely necessary for procuring the necessary buildings for conducting the business of the company shall be invested in the purchase of real estate. Nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels; but mortgages of other personal property may be held by the company to secure a debt; nor shall the funds of the company be employed in merchandize or banking operations; nor shall the company carry on trade as a merchant; nor shall any dividend be made of any part of the capital stock; nor shall any loan of any part of the capital stock be made directly or indirectly to any director of the company; nor shall any such director be a party to any security for any such loan; and no stockholder, to whom any part of the capital stock shall have been lent, shall be eligible as a director during the continuance of such loan.

Paid up capital
to be invested.

Provisoos.

13. That the profits of the company after paying all current expenses, and six pounds by the hundred by the year, on the paid up capital, shall constitute a reserved fund until such sum shall amount to five hundred pounds—after which the full annual profits shall be divided.

Reserved fund
—division of
profits.

14. The books and accounts of the company shall, at all times, be open to the examination of such persons as the governor in council shall appoint to inspect the same; and before any policies of insurance shall be issued by the company the deposit of two thousand pounds of the capital stock of the company shall first be made known to the governor and council for their approval.

Books, &c., to
be open to the
inspection of
persons appointed
by the Govern-
or in coun-
cil, and amount
of deposit made
known to Go-
vornor before
policies issued.

15. That a general meeting of the stockholders of the said corporation shall be held at Sydney on the first Tuesday of February in each year—which meeting may be continued by adjournment,—and at such meeting there shall be submitted to the shareholders a full and true statement of the affairs of the company to the thirty-first day of December then last past—shewing the debts, liabilities, and assets—which statement, in duplicate, shall be transmitted to the secretary of the province. At the said annual meeting a committee of five shareholders shall be elected by ballot, to act as president and directors, one of whom shall retire by rotation, and the vacancy shall be filled by his reëlection or by the elec-

General annual
meeting—pro-
ceedings at.

tion of another—and at the said annual meeting a secretary and surveyor to the company shall also be elected by ballot.

Office and duties of president and directors.

16. That the president and directors, for the time being, of the said corporation shall have the management of the general affairs of the company, the appointment of the salary to the secretary and surveyor, the hiring of offices, and other incidental expenses of the company, and the management of the reserved fund thereof, and by them all risks shall be taken or refused.

Votes.

17. At all general meetings each stockholder shall be entitled to give, by himself or his accredited agent, votes as follows: The holder of one share one vote—the holder of five shares two votes—the holder of ten shares three votes—the holder of fifteen shares and upwards four votes, and no more: Provided that no shareholder shall vote on any claim on the company in which he is individually interested, and no one shareholder shall hold more than two proxies.

Proviso.

General meeting how called at any time.

18. Any number of shareholders who together shall be proprietors of two hundred shares, by themselves, or as accredited agents of stockholders, shall have power at any time to call a general meeting of the proprietors for any purpose relative to the business of the said corporation other than the dissolution thereof, giving at least ten days notice, by either of the processes named in the sixth clause hereof, and specifying in such notice the time and place of such meeting, with the objects thereof. And the president and directors shall have the like power at any time, upon observing the like formalities of notice, to call a general meeting as aforesaid. Provided that no alteration of the fundamental principles of the corporation shall be made, unless assented to by, at least, the holders of three fourths of the shares of the members at such meeting; and at all general meetings the holders of one hundred shares shall constitute a quorum.

Proviso.

Quorum.

CHAPTER 89.

An Act to Incorporate the Trustees of the Baptist Church at Falmouth.

(Passed the 12th day of April, A. D. 1858.)

SECTION.

1. Incorporation—title.
2. Property of the church vested in the trustees. Not to exceed £1000.
3. Trustees may convey real estate after

SECTION.

- due notice. Proviso. Entry of sanction on minutes to be evidence.
4. Rights not affected.

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

Incorporation—title.

1. Elias Payzant, Allen Young, and William Shaw, the present trustees of the Baptist church at Falmouth, in the county of Hants, and their successors in office, to be elected according to the rules of the church, are hereby created a body corporate,

by the name of "The trustees of the Baptist church at Fulmouth."

2. The real and personal estate in which the church now is, or at any future time may be interested, is hereby vested in the trustees, for the use and benefit of such church; and the trustees may purchase, take, and hold real and personal estate for such use, not to exceed in value one thousand pounds.

Property of the church vested in the trustees.

Not to exceed £1000.

3. The trustees may sell, mortgage, or lease the real estate belonging to the church—thirty days notice of such intended sale, mortgage, or lease, being given from the pulpit during morning service, on the four Sundays preceding the same, but no such sale, mortgage, or lease, shall be valid unless sanctioned by a majority of such meeting—and a declaration of such meeting having given such sanction, entered on the minutes of the meeting, shall be presumptive evidence of the fact.

Trustees may convey real estate after due notice.

Proviso.

Entry of sanction on minutes to be evidence.

4. Nothing herein contained shall be construed to interfere with, alter, or affect the rights of her Majesty, or any corporation or private individual.

Rights not affected.

CHAPTER 90.

An Act to Incorporate the Grand Lake Land Company.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Incorporation—title
2. Lands vested in corporation.
3. Real estate.
4. Management of business, &c. Bye-laws to be recorded.
5. Capital—shares.

SECTION.

6. Names of members and No. of shares to be registered. Certificate of transfer to be registered.
7. Shareholders and property not discharged from existing liabilities.

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

1. Benjamin Wier, Joseph Wier, William J. Almon, Joseph Fairbanks, William Lawson, John Lithgow, William B. Fairbanks, and such other persons as shall become proprietors of shares in the corporation hereby established, their successors and assigns, are hereby constituted a body corporate, by the name of "The Grand Lake land company."

Incorporation—title.

2. All lands now registered, either absolutely or in trust, in any or either of the said parties, for the benefit of the other individuals herein named, are absolutely vested in such corporation.

Lands vested in corporation.

3. The company shall not hold, at any one time, real estate of greater value than ten thousand pounds.

Real estate.

4. The property and business of the company shall be under the management of a president and such other officers as may be directed by the bye-laws, but such bye-laws shall not be of any effect until recorded in the registry of deeds for the county of Halifax.

Management of business, &c.

Bye-laws to be recorded.

- Capital—shares.** 5. The capital shall be limited to the sum of three thousand and five hundred pounds, to be divided into shares of five hundred pounds each.
- Names of members and No. of shares to be registered.** 6. The names of all the members of the corporation and the number of shares owned by them, respectively, shall be registered in the office of the Registrar of Deeds, at Halifax, and no transfer of any share in the company shall be effectual until the certificate shall be registered in the same office, for the purpose of making public the names of the persons composing the corporation.
- Certificate of transfer to be registered.**
- Shareholders and property not discharged from existing liabilities.** 7. Nothing herein contained shall discharge the persons herein before named, or any or either of them, or the real estate now held absolutely or in trust, or any subsequent shareholders, from any legal responsibility to which such real estate, or the said parties, or any or either of them, are now liable.

CHAPTER 91.

An Act to Incorporate the Baxter's Harbor Pier Company.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Incorporation—title.
2. Erection of pier, &c. To be free to all, subject to rates of wharfage, &c., to be consented to by sessions

SECTION.

3. Capital—shares. Real estate.
4. Bye-laws to be approved by sessions.

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

Incorporation—title.

1. David B. Newcomb, William Baxter, John L. Foot, Amos Baxter, Edward Lyons, Stephen Harris, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, are hereby created a body corporate, by the name of "The Baxter's Harbor pier company."

Erection of pier, &c.

2. The company may erect a public pier or breakwater with stores and buildings, at Baxter's Harbor, in King's County, upon any lands owned by the company or the public in and about such pier or breakwater, which pier, stores, and buildings, shall be open and free for the use of all ships and vessels and of all persons desirous of using the same for trading purposes—subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the consent of the sessions of King's county.

To be free to all, subject to rates of wharfage, &c., to be consented to by sessions.

Capital shares.

3. The capital of the company shall not exceed two thousand pounds, to be divided into shares of two pounds and ten shillings each—and the company may hold real estate not exceeding in value two thousand pounds.

Real estate.

Bye-laws to be approved by sessions.

4. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions and recorded in the registry of deeds for King's county.

CHAPTER 92.

An Act to provide for the collection of the Railway Damages payable to Thomas Kenny and William Davey.

(Passed the 7th day of May, A. D. 1858.)

Whereas the assessment directed in and by the twenty-third section of chapter 13 of the acts of 1857, in favor of Thomas Kenny and William Davey, was not made, in consequence of the clerk of the peace not having, within the period limited therefor by such act, delivered to the collector or proper officers necessary rolls, instructions, and papers for such assessment :

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

1. The said section is hereby declared to be in force, and the clerk of the peace shall, within thirty days after the passing of this act, or so soon thereafter as possible, make out and deliver to the collectors or proper officers the necessary rolls, instructions, and papers for making such assessment, and the collectors and proper officers shall forthwith levy and make collection and payment to the county treasurer, who shall immediately pay over the amount received by him to the Receiver General, by whom the sums due and payable to the said Thomas Kenny and William Davey, for principal, interest, and costs, shall be paid to them respectively, as in such twenty-third section is provided.

CHAPTER 93.

An Act in relation to the Inland Navigation Company.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Comp'y. empowered to borrow money to finish the works and issue debentures therefor.
2. Security to be given that the money shall be applied to complete the works.

SECTION.

3. Sum lent by province to be a subsequent charge to the sum to be borrowed.
4. Persons not allowed to take fish with nets in river below Grand Lake within 100 yds. of locks, &c. Proviso.

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

1. It shall be lawful for the company to borrow, upon the security of the whole or any portion of the property conveyed to them by the honorable James McNab, by deed, executed by him as trustee for the province, and dated the tenth day of June, one thousand eight hundred and fifty-four, and of the works erected on such property, such sum or sums of money as shall be sufficient to complete the works, and more espe-

Company empowered to borrow money to finish the works and issue debentures therefor.

cially the inclined plane from Dartmouth lake to Halifax harbor, notwithstanding the provisions and clauses in such deed, and for that purpose to mortgage the property for such periods and at such rate of interest as may be agreed on, and for such sum or sums as may be required, or to issue the company's debentures therefor, in such sums as the president and directors may deem proper, chargeable upon such property, or to issue preferential stock, chargeable thereupon for the required amount.

Security to be given that the money shall be applied to complete the works.

2. Security shall be given, to the satisfaction of the Governor in council, that the monies to be so borrowed or raised shall be applied towards the completion of the works, and to no other use.

Sum lent by province to be a subsequent charge to the sum to be borrowed.

3. The sum of five thousand pounds lent to the company by the province, with lawful interest thereon, shall be a charge on the whole of the property and works, next to the sums to be so borrowed or raised, with the interest thereon.

Persons not allowed to take fish with nets in river below Grand Lake within 100 yds. of locks, &c.

4. No person shall hereafter be allowed to catch or take any sort of fish with nets, seines, dip, or scoop nets, in the river Shubenacadie below the Grand Lake, within one hundred yards of any or either of the locks, dams, or artificial fish ways, erected and made by the inland navigation company in, across, upon, or adjacent unto such river. Provided that nothing herein shall prevent any person at any time hereafter from killing and taking fish in any part of such river with hook and line.

Proviso.

CHAPTER 94.

An Act for the relief of Stephen Selden.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Order for pulling down Selden's house to have the same effect as if given in conformity with the statute.

Preamble.

Whereas at a conflagration which took place in the city of Halifax on the first day of January, 1857, the dwelling house of Stephen Selden was pulled down, in order to check the progress of the flames. And whereas, the order to pull down such house was given by the only fireward of such city then there present and by two aldermen of such city, by the desire and with the sanction of the then governor of this province. And whereas the fire did not actually extend beyond the house of the said Stephen Selden, and it is just and reasonable that the said Stephen Selden should have the same remedy as if the order to pull down such building had been given, in compliance with section six of chapter 99 of the revised statutes:

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

Order for pulling down Selden's house to

1. The order for pulling down the house of Stephen Selden shall have the same force and validity as if the same had been

given in strict conformity with the provisions of section six of chapter 99 of the revised statutes, "Of fires and firewards." have the same effect as if given in conformity with the statute.

CHAPTER 95.

An Act to Incorporate the Truro Boot and Shoe Manufacturing Company.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Incorporation—name of company.
2. Real estate.
3. Capital stock—shares. When to go into operation.

SECTION.

4. Liability of members.
5. First meeting—proceedings at, &c.
6. Copy of bye-laws and list of shareholders to be recorded.

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

1. Hiram Hyde, Robert Smith, Joseph Crow, Samuel Rettie, Samuel G. W. Archibald, Charles B. Archibald, William G. Yuill, John Smith, Richard Slade, and such other persons as are or may become shareholders in the company hereby established shall be a body corporate, by the name of the "Truro boot and shoe manufacturing company," for the purpose of manufacturing boots and shoes at Truro, in the county of Colchester.

Incorporation—name of company.

2. The company may hold real estate not exceeding the value of three thousand pounds.

Real Estate.

3. The capital stock of the company shall be five hundred pounds, but may be increased, from time to time, by the bye-laws, to any sum not exceeding five thousand pounds, to be divided into shares of five pounds each, but the company shall not go into operation until one hundred shares are subscribed and the sum of five hundred pounds are actually paid in on account thereof.

Capital stock—shares.

When to go into operation

4. No member of the company shall be liable in his person or separate estate for a greater amount in the whole than double the amount of stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of members.

5. The first meeting of the company shall be held in the shop used by the company, at Truro, within three months after the passing of this act, and public notice thereof, signed by ten shareholders, to be given to each of the shareholders at least seven days before holding such meeting, and at such meeting officers shall be chosen and bye-laws passed.

First meeting—proceedings at, &c.

6. A copy of the bye laws and list of shareholders, certified by the president and secretary of the company, shall be registered in the office of Registrar of Deeds at Truro.

Copy of bye-laws and list of shareholders to be recorded

CHAPTER 96.

An Act to Incorporate the Londonderry Iron Company of Nova Scotia.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Incorporation—title—powers, &c.
2. Capital—share.
3. First meeting—how and where held—proceedings at. Directors.
4. Duties and office of directors. Copy of bye-laws to be left at Sec'y. office.
5. Liability of members. Proviso.

SECTION.

6. Must have agent in this province.
7. Conveyance to and by the company.
8. Ungranted land sufficient for their purposes to be set apart for company, who may purchase it within 21 years, and in the meantime use the timber, &c. Proviso.

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

1. Charles Dickson Archibald, Francis Alger, Charles Thompson, Charles C. Alger, John L. Hages, A. C. Morton, George Adlard, A. W. Whipple, Charles E. Habicht, Edward Mortimer Archibald, William A. Black, Alexander Keith, Adams George Archibald, John MacGregor, their associates, successors, and assigns, are hereby created a body politic and corporate, in deed and in name, under the style and title of, "The Londonderry iron company of Nova Scotia," and by that name shall have succession and a common seal, and may sue and be sued, and purchase, acquire, hold, possess, and enjoy, mines, quarries, lands, tenements, and hereditaments, vessels, craft, goods, chattels, and things in action, and may let, sell, assign, mortgage, convey, and dispose of the same, or any part thereof; and may explore, open, and work, any mines, veins, or deposits of iron, or other minerals, and reduce, smelt, manufacture, use, and export the same, and may make, construct, keep in repair, and operate, any railways, tramways or plankroads, for the purposes of their operations; and may improve the navigation of rivers, lakes, and harbors, and construct piers and docks; and may set up and establish factories and machinery, and may engage in and prosecute any lawful business or calling within the scope and in furtherance of the objects contemplated by this act.

2. The capital or joint stock of the company shall be five hundred thousand dollars, in shares of one hundred dollars each, which shall be deemed, and held to be, personal property, and transmissible and assignable as such, but the capital may be increased to one million and five hundred thousand dollars by the vote of a majority of the shareholders at any general meeting, held agreeably to the bye-laws or to this act.

3. The first meeting of the company shall be held at such time and place in this province, or in the United States of America, as any three subscribers for shares, of whom one of the above named corporators shall be one, shall determine,

Incorporation
title—powers,—
&c.

Capital—share.

First meeting—
how and where
held—proceed-
ings at.

four weeks notice of such meeting having been first given in the Royal Gazette newspaper, published at Halifax, at which, or any adjourned or subsequent meeting, the company may be organized by the election of a board of directors not less than five nor more than eleven, and of whom three shall be a quorum.

Directors.

4. The directors are hereby authorized to frame bye-laws not repugnant to the laws of this Province, for the government, regulation, and management of the company, and the operations, business, and affairs thereof, which shall have the same force and effect, to all intents and purposes, as if the same were herein fully declared and set forth, a copy of which bye-laws, and any alterations or amendments thereof, shall be lodged in the office of the secretary of the province.

Duties and office of directors.

Copy of bye-laws to be left at Sec. office. ✕

5. No member of the corporation shall be liable in his person or separate estate for the debts of the company for a greater amount in the whole than the amount of stock held by him. But this section shall not have effect to relieve the company from liability until shares to the number of eight hundred shall have been subscribed, and forty thousand dollars, including paid up shares, actually paid into the funds of the company.

Liability of members.

Proviso.

6. The company shall have a recognized manager or agent in this province, service on whom of all process notices and other documents shall be held to be sufficient service on the company.

Must have agent in this province.

7. The conveyances and transfers of property to the company may be in some of the customary forms of indentures or deeds poll used in this province, and, where the title shall be of a freehold nature, the said indentures or deeds poll shall enure to convey directly and absolutely to the company all the estate, right, title, interest, equity, claim, property, and demand, of all and singular the parties who may execute the same, whether tenants in fee or in tail, mortgagees, trustees, lessees for life or years, occupiers, remaindermen or reversioners, and in like manner where the estate or title shall be less than freehold, and the company may, from time to time, by such or the like deeds or instruments, grant, convey, lease, or demise, any part or parts of their lands, tenements, and hereditaments.

Conveyance to and by the company.

8. In order to encourage and facilitate an enterprise, which, with its attendant industries, is likely to be productive of great benefits to this province, there shall be set apart and appropriated for the uses and purposes of the company, so much of the ungranted wilderness lands, in such localities as may be indicated on the part of the company, in the vicinity of their works, as, in the opinion of the governor in council, shall be reasonably sufficient for the operations contemplated under this act, with the option of the company, to purchase the same, from time to time, within twenty-one years from the

Ungranted land sufficient for their purposes to be set apart for company, who may purchase it within 21 years, and in the meantime use the timber, &c.

✕ Received January 27. 1859

Proviso.

passing of this act, at the price of one shilling and nine pence sterling, per acre, and, in the meantime, the company shall be at liberty to take and use the building materials, wood and timber, on such lands, on such terms and conditions as the governor and council may deem expedient. Provided always, that in case works shall not be erected and in efficient operation, within five years after the passing of this act, at any mine, in respect of which such reservation is made, the governor in council may, on proof thereof, annul such reservation by an order, and, thereafter, the land reserved in respect of such mine shall be again at the disposal of the crown, in the same manner as if this act had not been passed.

CHAPTER 97.

An Act to amend the Act for the Incorporation of certain bodies connected with the Wesleyan Methodist Church in Nova Scotia.

(Passed the 7th day of May, A. D. 1858.)

SECTION.

1. Powers conferred by sec. 9 of amended act upon a conference in this province and the property held by district meetings to be vested in "The conference of Wes. Methodist church in E. B. A."

SECTION.

2. Acts passed by conference out of the province to be binding therein when certified.
3. Affidavits, how sworn.
4. Meaning of words "rules and usages."

Preamble.

Whereas since the passing of the act for the incorporation of certain bodies connected with the Wesleyan Methodist church in Nova Scotia, the ministers of the Wesleyan Methodist church in Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island, and Bermuda, have, by the authority of the British conference, been organized and constituted a conference by the the name and style of "The conference of the Wesleyan Methodist church or connexion in Eastern British America," and it is necessary to confer upon the said conference all power which it was contemplated by the said act to confer upon a conference in this province, and to amend the act in other respects :

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

Powers conferred by sec. 9 of amended act upon a conference in this province and the property held by district meetings to be vested in "The conference of Wes. Meth. church in E. B. A."

1. The power and authority conferred by the ninth section of the said act upon a conference in this province shall be vested in "The conference of the Wesleyan Methodist church or connexion in Eastern British America," and the lands, tenements, monies, or other property held by the district meeting or district meetings, referred to in the said recited act, shall become the property of, and be vested in, the conference of the Wesleyan Methodist church or connexion in Eastern British America, for the same use and benefit for which they shall have been previously received and held by any such district meeting.

2. Any appointment made, or other act done, or order, judgment, or resolution, of the said conference, passed or determined at any meeting held at any place in either of the provinces of New Brunswick, Newfoundland, Prince Edward Island, or Bermuda, shall be as binding and obligatory in this province as if passed within this province, when certified under the hand of the president and secretary of the conference or any persons acting in their stead.

Acts passed by conference out of the province to be binding therein when certified.

3. Affidavits may be sworn before a judge or commissioner of the supreme court or justice of the peace.

Affidavits how sworn.

4. For the purposes of such recited act, and of this act, the words "rules and usages" shall be held to refer to such rules and usages as have been or may be hereafter sanctioned by the conference of the Wesleyan Methodist church or connexion in Eastern British America.

Meaning of words "Rules and usages."

CHAPTER 98.

An Act to amend the Act to Incorporate the Union Bank of Halifax.

(Passed the 7th day of May, A. D. 1858.)

SECTION.—Three directors to go out annually but may be re-elected.

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

Three of the directors of the company shall annually go out of office instead of two, as provided by the sixth section of the act hereby amended, but the three directors so retiring shall be eligible for reëlection, notwithstanding anything contained in that section.

Three directors to go out annually but may be re-elected.



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