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A C T S

OF

THE GENERAL ASSEMBLY

Of OF THE *Session*

PROVINCE OF NOVA-SCOTIA.

ANNO SECUNDO VICTORIÆ REGINÆ.

1839.

HALIFAX:

Printed at the Royal Gazette Office.



T A B L E
 OF
 ACTS OF THE GENERAL ASSEMBLY
 OF THE
PROVINCE OF NOVA-SCOTIA.
ANNO SECUNDO VICTORIÆ REGINÆ.
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At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Monday, the Fourteenth day of January, 1839, in the Second Year of the Reigo 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 Fourth Session of the Sixteenth General Assembly convened in the said Province.*

* In the time of Sir COLIN CAMPBELL, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Provincial Secretary; and John Whidden, Clerk of Assembly.

An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and for other purposes therein specified.

(Passed 4th day of April, 1839.)

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

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, by or 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 sum of 200*l.* to the Speaker of the House of Assembly, in full for his Salary as Speaker during the present year. 200*l.* Speaker of Assembly

And a further sum of 600*l.* to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks and all other contingent expenses, for the same year. 600*l.* Treasurer

And a further sum of 200*l.* to the Clerk of the House of Assembly, for his services in the same year. 200*l.* Clerk of Assembly

And a further sum of 25*l.* to the Venerable Archdeacon Willis, Doctor in Divinity, for his services as Chaplain to the Legislative Council during this Session. 25*l.* Dr. Willis

And a further sum of 25*l.* to the Clerk of the House of Assembly, to enable him to pay Six Pounds Five Shillings to each of the Clergymen who have attended the House of Assembly as Chaplains, during this Session. 25*l.* Chaplains of Assembly

And a further sum of 100*l.* to the Assistant-Clerk of the House of Assembly, for his services for this Session. 100*l.* Assistant Clerk of Assembly

And a further sum of 50*l.* to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly for this Session. 50*l.* M. Forrester

And a further sum of 30*l.* to John Jennings, for his services as Assistant Serjeant at Arms to the House of Assembly for this Session. 30*l.* J. Jennings

And a further sum of 40*l.* to the Messenger of the Governor, Lieutenant-Governor or Commander in Chief for the time being, and the Executive and Legislative Councils, for the present year. 40*l.* Messenger of Gov.

And

501. J. Gibbs And a further sum of 30*l.* to John Gibbs, for his services as Messenger to the House of Assembly during the present Session.
451. Clerk of Revenue Board And a further sum of 45*l.* to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 200*l.* Guager and Weigher And a further sum of 200*l.* to the Guager and Weigher, for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum, to be paid on the Certificate of the Commissioners of the Revenue, at the rate of Seven Shillings and Six Pence per day, to such person or persons as shall be employed during the present year by the Collector of Impost and Excise for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax; Five Shillings per day to such extra Waiter or Waiters when unemployed, and at the rate of Five Shillings per day to Temporary Waiters.
- 600*l.* Transient Poor And a further sum of 600*l.* for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
- 350*l.* J. Howe And a further sum of 350*l.* to John Howe, Esquire, Printer, for printing for Government and the General Assembly, for the present year.
- 60*l.* Keeper of Assembly And a further sum of 60*l.* to the Keeper of the Assembly House and Council Chamber and Law Library, for the present year.
- 40*l.* L. Kavanagh And a further sum of 40*l.* to Lawrence Kavanagh, Esquire, to be drawn from the Treasury when it shall be certified by a Judge of the Supreme Court that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton during the present year.
- 100*l.* Indians And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.
- 25*l.* School in Poor House And a further sum of 25*l.* to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.
- 50*l.* Parrsboro' Packet And a further sum of 50*l.* to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.
- 50*l.* Guysboro' Packet And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year; Provided that the Judge or Judges of the Supreme Court shall be taken, without charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape-Breton.
- 400*l.* Sable Island And a further sum of 400*l.* to the Commissioners of Sable Island, for the support of that Establishment for the present year.
- 200*l.* Steam Boat And a further sum of 200*l.* in aid of the Halifax Steam Boat Company for the present year.
- 150*l.* Steam Boat Pictou And a further sum of 150*l.* towards supporting and maintaining the Steam Boat between Pictou, Prince Edward's Island and Miramichi, for the present year, upon the same conditions as last year, and upon condition that the Mails shall be weekly transported in the Boat during the same year between the same places.
- 100*l.* J. Whitney And a further sum of 100*l.* to James Whitney, for running the Steam Boat between Annapolis and Digby and Saint John, for the present year, under the same regulations and in the same manner as heretofore.
- 300*l.* Horton Academy And a further sum of 300*l.* to the Nova-Scotia Baptist Education Society, in aid of the Academy at Horton for the present year.
- 100*l.* Arichat Academy And a further sum of 100*l.* in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor.
- 100*l.* Rev. R. F. Uniacke And a further sum of 100*l.* to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support Schools for Poor Children in the North Suburbs of the Town of Halifax.
- 135*l.* Yarmouth Academy And a further sum of 135*l.* to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.

- And a further sum of 100*l.* to Hugh Bell and others, to support a School in connexion with the Methodist Church in Halifax. 100*l.* H. Bell
- And a further sum of 50*l.* to the Commissioners of Schools, for the County of Lunenburg, for the support of the National School in the Town of Lunenburg, for the present year. 50*l.* Schools Lunenburg
- And a further sum of 50*l.* to the Commissioners of the Lunenburg Academy, in aid of that Institution for the present year, agreeably to the report of the Committee on Education. 50*l.* Lunenburg Academy
- And a further sum of 100*l.* to the Trustees of the combined Common and Grammar School in the Town of Sydney, in aid of the said School, for the present year. 100*l.* School Sydney
- And a further sum of 50*l.* to the Ladies Managers of the Infant School at Halifax, in aid of that Institution, for the present year. 50*l.* Infant School
- And a further sum of 40*l.* to pay the Salary of the Female Teacher in the African School, for the present year. 40*l.* African School
- And a further sum of 40*l.* to enable the Trustees of the Grammar School at Truro, to procure an Usher for said School. 40*l.* School at Truro
- And a further sum of 50*l.* to Doctors Grigor and Stirling, in aid of the Halifax Dispensary, for the present year, provided they keep, during the year, a sufficient quantity of vaccine matter. 50*l.* Dispensary
- And a further sum of 50*l.* to the Mechanics' Institute and Mechanics' Library, Thirty Pounds to the Institute, and Twenty Pounds to the Library, for the support of those establishments, for the present year. 50*l.* Mechanics' Institute and Library
- And a further sum of 20*l.* to the President and Office Bearers of the Colchester Literary Society, to aid them in purchasing Books and apparatus. 20*l.* Colchester Literary Society
- And a further sum of 20*l.* to the President of the Pictou Literary and Scientific Society, to be appropriated and expended in procuring Philosophical Apparatus for the said Society, and Books for the Library, in connexion with the same. 20*l.* Pictou Literary Society
- And a further sum of Twenty Pounds to the President and Office Bearers of the Sydney Mechanics' Institute, to aid them in purchasing Books and Apparatus. 20*l.* Mechanics' Institute Sydney
- And a further sum of 20*l.* to John E. Fairbanks, as a Bounty upon the Importation of a Bull and two Heifers, of the Ayrshire Breed, to be paid to him upon his giving security by Bond, to keep and maintain the same within the Province, for the improvement of Stock. 20*l.* John E. Fairbanks
- And a further sum of 50*l.* in support of an Academy at St. Andrew's, in the County of Sydney, pursuant to the prayer of the Petition of C. McKinnon and others. 50*l.* Academy at St. Andrew's
- And such further sum to Andrew Henderson, in aid of the Academy taught by him at Annapolis, as, with the Grammar School allowance drawn from the School Funds of that County, will make up 100*l.* 100*l.* Andrew Henderson
- And a further sum of 60*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of continuing the Revenue Boat at the entrance of Annapolis River, during the present year, under the direction of the Collector of Customs at Digby. 60*l.* Revenue Boat Annapolis
- And a further sum of 60*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of establishing a Revenue Boat for the collection of Light Duties, and other service, at the Gut of Canso, during the present year. 60*l.* Revenue Boat Gut of Canso
- And a further sum of 30*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat at Sydney, in the County of Cape-Breton, to aid in the protection of the Revenue, and for the collection of Light Duty, and other service, at that Port. 30*l.* Revenue Boat Sydney
- And a further sum of 20*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat, and Tide Waiters at Pictou, to aid in the protection of the Revenue, to be under the direction of the Collector of Excise at that Port. 20*l.* Revenue Boat Pictou
- And a further sum of 20*l.* to aid the Inhabitants of Cape-Breton, in supporting a suitable Boat or Scow, to run between M'Millan's Point, in Cape-Breton, and Auld's Cove, in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness. 20*l.* Ferry Cape-Breton
- And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the Mouth of the River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place, the said Boat to run under the regulations of the General Sessions for the County of Hants, to be paid by warrant from His Excellency the Lieutenant-Governor, upon certificate from said 20*l.* Ferry Shubenacadie

said Sessions, that such Boat has been running at least twice a week for four months, to the satisfaction of the said Sessions, under their regulations.

101. Ferry
Shelburne

And a further sum of 10*l.* to Cornelius Craig, to enable him to keep up the Ferry across the Narrows, at the entrance of Sable River, in the County of Shelburne.

55*l.* Bridge
River Phillip

And a further sum of 55*l.* to aid in re-building the Bridge over the River Phillip, on the Main Post Road, from Pictou to Amherst.

100*l.* Bridge
Tatama-
gouche

And a further sum of 100*l.* to complete the Bridge across the French River, at Tatamagouche.

150*l.* Bridges
Sydney Co.

And a further sum of 150*l.* towards the re-building of two Bridges in the County of Sydney, the one being on the South River, on the Main Post Road to Cape Breton, the other being on the South River, on the Main Post Road to Guysborough, to be paid as soon as the remaining sum required for said purposes, shall have been made up, either from the Road appropriation to said County, or jointly from said Fund, and from a sum to be raised by the Inhabitants of said County.

100*l.* Bridges
Guysboro'

And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied in erecting or repairing such Bridge or Bridges in the County of Guysboro', as he may deem necessary.

200*l.* Bridge
Newport

And a further sum of 200*l.* to erect a Bridge over the Kennetcook River, in Newport.

50*l.* Road
Annapolis

And a further sum of 50*l.* to be applied to the repairing of the Road which forms the line of communication between the Counties of Annapolis and Queen's, and for repairing the Bridges thereon.

200*l.* Bridges
Cape-Breton

And a further sum of 200*l.* at the disposal of His Excellency the Lieutenant-Governor, to build and repair five important Bridges in the County of Cape-Breton, destroyed and impaired by the late Freshets in that County, between Sydney and the North West Arm.

100*l.* Bridge
LaHave

And a further sum of 100*l.* to aid the Inhabitants of the County of Lunenburg, to enable them to re-build the Bridge across the LaHave River, on condition that the Members of the County provide an additional sum of 150*l.* to complete the same.

100*l.* Roads
Queen's
County

And a further sum of 100*l.* for the alteration and improvement of Roads in Queen's County, to be applied as follows: Fifty Pounds thereof to be expended between Milton and Middlefield, and Fifty Pounds between Middlefield and Brookfield.

80*l.* Bridge
Margaree

And a further sum of 80*l.* towards the rebuilding of the Bridge lately carried away by the Freshet at Margaree.

100*l.* Bridge
Arichat
80*l.* Bridges
Horton

And a further sum of 100*l.* in aid of the repair of Little Arichat Bridge.
And a further sum of 80*l.* to rebuild four Bridges over Salmon or Gaspereaux River, so called, in Horton, which were carried away by the late Freshet.

200*l.* Bridge
Pictou

And a further sum of 200*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied in rebuilding the Bridge across the Eight Mile Brook, on the new line from Reid's, Mount Tom, to the West River of Pictou, and in forming the Embankment and Road connected with said Bridge.

50*l.* Bridge
and Road
Shelburne

And a further sum of 50*l.* to be applied as follows: Twenty-five Pounds to be added to Forty Pounds to be appropriated from the sum allotted for the County of Shelburne in the general division of Road Money, for the purpose of rebuilding the Bridge across Jordan River, and Twenty-five Pounds to be applied to the improvement of the Main Post Road from Sable to Jordan River, in the County of Shelburne.

Road and
Bridge Ser-
vice, County
of Halifax

And a further sum of 1,400*l.* for the several Roads and Bridges in the County of Halifax, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the Twenty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and agreed to by the Legislative Council.

Hants

And a further sum of 1,090*l.* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.

King's

And a further sum of 1,070*l.* for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid.

Annapolis

And a further sum of 670*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.

Digby

And a further sum of 670*l.* for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid.

Yarmouth

And a further sum of 680*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid.

And

- And a further sum of 630*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid. Shelburne
- And a further sum of 600*l.* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid. Queen's County
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid. Pictou
- And a further sum of 680*l.* for the several Roads and Bridges in the County of Sydney, to be applied and expended as aforesaid. Sydney
- And a further sum of 680*l.* for the several Roads and Bridges in the County of Guysborough, to be applied and expended as aforesaid. Guysboro'
- And a further sum of 670*l.* for the several Roads and Bridges in the County of Richmond, to be applied and expended as aforesaid. Richmond
- And a further sum of 800*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid. Lunenburg
- And a further sum of 1000*l.* for the several Road and Bridges in the County of Colchester, to be applied and expended as aforesaid. Colchester
- And a further sum of 800*l.* for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid. Cumberland
- And a further sum of 780*l.* at the disposal of His Excellency the Lieutenant-Governor, for the service of the several Roads and Bridges in the County of Cape-Breton. Cape-Breton
- And a further sum of 780*l.* at the disposal of His Excellency the Lieutenant-Governor, to be expended in the service of the several Roads and Bridges in the County of Inverness. Inverness
- And a further sum of 20*l.* for each County, for the encouragement of building Oatmills where there shall be only one applicant; and when more than one applicant in any County, the sum of Thirty Pounds to such County, to be expended among the several applicants—said sums to be drawn on the recommendation and upon the conditions stipulated for similar bounties last year.—In the application of the sum allotted for the County of Digby, the Grist Mill of Peter Ringwood to be considered and rank as an Oatmill, but to receive Ten Pounds only, and the remaining Twenty Pounds in said County to be received by William B. Turnbull, upon the conditions aforesaid. Bounty on Oatmills
- And a further sum of 100*l.* towards the erection of a Pier at the Mouth of St. Mary's River, when it shall be certified to His Excellency the Lieutenant-Governor that the sum of Two Hundred Pounds has been raised and expended by the Inhabitants in the erection of said Pier. 100*l.* Pier at St. Mary's
- And a further sum of 100*l.* to aid in the erection of a Breakwater at Margaretville, to be drawn when it shall be satisfactorily made; to appear to His Excellency the Lieutenant-Governor that the sum of Two Hundred Pounds has been raised by private contribution and expended in said work, and that the use of the Pier has been secured to the Public. 100*l.* Breakwater at Margaretville
- And a further sum of 100*l.* to aid the Inhabitants of Baxter's Harbour to erect a Wharf or Pier at that place in Cornwallis, but not to be drawn from the Treasury until it shall be certified to the satisfaction of His Excellency that the sum of One Hundred and Fifty Pounds has been expended of the Money subscribed for that purpose. 100*l.* Pier at Baxter's Harbour
- And a further sum of 100*l.* towards building a Breakwater at Well's Cove, in the Township of Clare, to be paid when it shall be proved to the satisfaction of His Excellency the Lieutenant-Governor that the site has been conveyed for the use of the public, and that the sum of Four Hundred Pounds has been subscribed and expended by Petitioners for that purpose. 100*l.* Breakwater in Clare
- And a further sum of 36*l.* 10*s.* 11*d.* to the Overseers of the Poor for the Township of Pictou, for the current year, to remunerate said Township for expenses incurred in the support and relief of Transient Paupers during the last year. 36*l.* 10*s.* 11*d.* Overseers of Poor Pictou
- And a further sum of 10*l.* 13*s.* 5*d.* to William Adamson, of Pictou, to remunerate him for expenses incurred in relieving and supporting two Sailors, being Transient Persons and Paupers, pursuant to the prayer of his Petition, and the report of the Committee thereon. 10*l.* 13*s.* 5*d.* W. Adamson
- And a further sum of 16*l.* 9*s.* 8*d.* to the Overseers of the Poor of the Township of Annapolis, to reimburse them for certain expenses incurred in the support of a Transient Pauper, agreeably to the report of the Committee. 16*l.* 9*s.* 8*d.* Overseers of Poor Annapolis
- And a further sum of 19*l.* 2*s.* to the Overseers of the Poor for the Township of Horton, 19*l.* 2*s.*

- 19l. 2s. Overseers of Poor Horton in order to enable them to defray certain expenses incurred in Medical and other attendance on two sick Indians, agreeably to the report of the Committee.
- 3l. 15s. Overseers of Poor Barrington And a further sum of 3*l.* 15*s.* to the Overseers of the Poor for the Township of Barrington, to reimburse them the expenses of Transient Paupers.
- 15l. Overseers of Poor Economy And a further sum of 15*l.* to the Overseers of the Poor for the Township of Economy, to provide for the expenses of taking care of, and removing, a Female Transient Pauper, found in the woods, pursuant to the prayer of their Petition.
- 27l. 5s. Peter Furlong And a further sum of 27*l.* 5*s.* to Peter Furlong, being a return of Duty paid by him on Malt, as recommended in the report upon his Petition.
- 100l. G. P. & H. Lawson And a further sum of 100*l.* to George P. Lawson and Henry Lawson, as a part return of Duties paid by them on the importation of Mill Machinery, pursuant to their Petition and the report of the Committee thereon.
- 10l. 10s. Jas. Dawson And a further sum of 10*l.* 10*s.* to James Dawson, as a return of Duties paid by him on Agricultural Implements, agreeably to his Petition and the report of the Committee thereon.
- 10l. John Carten And a further sum of 10*l.* to John Carten, as a return of Duties paid on a Cask of Liquor, supposed to contain Brandy, pursuant to the report of the Committee.
- 1l. 10s. R. J. Sanders And a further sum of 1*l.* 10*s.* to Rufus J. Sanders, as a return of Duties paid by him, agreeably to his Petition and the report of the Committee thereon.
- 3l. R. K. Marsters And a further sum of 3*l.* to R. K. Marsters, for the same sum destroyed in Province Paper.
- 362*l.* 18*s.* 4*d.* expenses of Council And a further sum of 362*l.* 18*s.* 4*d.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to repay that amount advanced by him to defray the expenses of the Legislative Council, agreeably to the Resolution of the House of Assembly at its last Session.
- 20l. Bridewell And a further sum of 20*l.* at the disposal of His Excellency the Lieutenant-Governor, to repay that amount advanced by him to pay the expense of preparing a Plan and Estimate relative to Bridewell, agreeably to the Resolution of the House of Assembly last Session.
- 100l. Henderson's Academy And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, in order to repay the amount advanced by him towards the support of the Academy kept by Andrew Henderson, near the Town of Annapolis, agreeably to the Resolution of the House of Assembly at the last Session.
- 40l. Teacher African Schol And a further sum of 40*l.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to repay that sum advanced to provide a Female Teacher in the African School, at Halifax, agreeably to the Resolution of the House of Assembly last Session.
- 20l. 2*d.* Commissioners of Public Buildings And a further sum of 20*l.* 2*d.* to the Commissioners of Public Buildings, in order to pay that amount advanced for the purchase of a Clock for the House of Assembly.
- 20l. 7s. Jos. Avard And a further sum of 20*l.* 7*s.* at the disposal of His Excellency the Lieutenant-Governor, to defray the expense incurred by Joseph Avard, Esquire, in apprehending and conveying to Amherst Gaol, Maurice Doyle, charged with the Murder of John Clem.
- 1025l. Canadian Sufferers And a further sum of 1025*l.* at the disposal of His Excellency the Lieutenant-Governor, in order to enable him to repay the advance made for remitting One Thousand Pounds to His Excellency Sir John Colborne, Governor-General, agreeably to the Resolution of the House of Assembly, passed on the Thirty-first day of January last past, and agreed to by the Council.
- 100l. importation of Bulls, &c. And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of procuring and importing two Bulls and one Heifer, (of the age of two years,) of the short Horned Durham Breed.
- 125l. importation of Sheep And a further sum of 125*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of procuring and importing twenty Rams and five Ewe Sheep.
- 200l. importation of a Stallion And a further sum of 200*l.* at the disposal of His Excellency the Lieutenant-Governor for the purpose of procuring and importing a Stallion, of the Breed of the Leicester Hunter.
- 250l. Light-House Yarmouth And a further sum of 250*l.* towards the erection of a Light-House at the entrance of Yarmouth Harbour, in addition to the sum of 750*l.* already granted, pursuant to the Resolution of the House of Assembly, communicated to His Excellency the Lieutenant-Governor this Session.
- 20l. E. Crowell And a further sum of 20*l.* to Edmund Crowell, to remunerate him for relieving Shipwrecked Mariners, and to enable him to keep a Boat for that purpose at Seal Islands, agreeably to the report of the Committee.

And a further sum of 15*l.* to Reuben Nickerson, to aid him in keeping proper accommodations for Travellers on the Post Road between Shelburne and Barrington. 15*l.* R. Nickerson

And a further sum of 8*l.* 8*s.* 9*d.* to James Whalen, as a return of Duties on one hundred and eight gallons of Rum destroyed by leakage, agreeably to the report of the Select Committee on his Petition. 8*l.* 8*s.* 9*d.* J. Whalen

And a further sum of 8*l.* 12*s.* 6*d.* to William Cunnabell, being a return of Duty paid by him upon the importation of a Printing Press. 8*l.* 12*s.* 6*d.* W. Cunnabell

And a further sum of 50*l.* 19*s.* 6*d.* to the Western Stage Coach Company, return of Duties, and that the Collector of Colonial Duties at Halifax be authorized and directed to cancel the Bond given at his Office for securing Duties on Coaches imported by said Company, to the extent of Fifty-three Pounds Fifteen Shillings and Four Pence Currency. 50*l.* 19*s.* 6*d.* Western Stage Coach Company

And a further sum of 20*l.* to Richard Gibbons, Junior, agreeably to the prayer of his Petition. 20*l.* R. Gibbons

And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, to relieve the distresses of the Colored Population of this Province. 100*l.* Colored Population

And a further sum of 63*l.* to John Munro, Land Surveyor, being the amount of his account for examining and surveying the proposed lines of Road between Polly's and Keys', on the Main Eastern Road. 63*l.* John Munro

And a further sum of 7*l.* to the said John Munro, to cover his expenses in coming to Halifax, at the request of the Chairman of the Committee appointed to report on the line of Road to be adopted as the leading Main Road from Keys' to Brookfield, on the Main Eastern Road, as per account rendered. 7*l.* J. Munro

And a further sum of 300*l.* in each and every year for three years, to encourage the establishment of Steam Communication between Halifax and the Western Sea Ports, the same to be paid on it being certified to the satisfaction of His Excellency the Lieutenant-Governor that a Boat has plied between Halifax and Yarmouth nine months in each year, touching at Lunenburg, Liverpool and Shelburne. 300*l.* Steam Communication

And a further sum of 524*l.* 10*s.* 8*d.* to the Commissioners of Public Buildings, to defray the expenses incurred to that amount, reported by the Committee of Public Accounts; and the further sum of 126*l.* 8*s.* 1*d.* to said Commissioners, to defray the expenses incurred and reported upon by the Committee of Public Expenditure. 524*l.* 10*s.* 8*d.* and 126*l.* 8*s.* 1*d.* Comrs. Public Buildings

And such further sum to the Secretary of the Province, as will enable him to pay 3*l.* 10*s.* to each of the Clerks of the Peace within this Province, to whom His Excellency directed Road Commissions and Bonds in the year of Our Lord One Thousand Eight Hundred and Thirty-eight. 3*l.* 10*s.* each Clerks of Peace

And a further sum of 10*l.* to John James Sawyer, Esquire, High Sheriff for the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly. 10*l.* J. J. Sawyer

And a further sum of 30*l.* at the disposal of the Honorable the Speaker, to procure various Works and Publications, necessary for conducting the business of this House. 30*l.* Publications for House

And a further sum of 20*l.* to Lawrence Kavanagh, Esquire, for his services as Chairman of Committees of the whole House for the present Session, to be added to his Pay Ticket. 20*l.* L. Kavanagh

And a further sum, not exceeding 60*l.* to the Clerk of the House of Assembly, to defray the expenses of Stationary and Binding of Journals and Laws for the House of Assembly during the present Session. 60*l.* Stationary, &c.

And a further sum 419*l.* 16*s.* 4*d.* to defray the expenses of the Legislative Council during the present Session. 419*l.* 16*s.* 4*d.* expenses of Council

And a further sum not exceeding 150*l.* to defray the expenses of an extra Messenger and other services and articles for the House of Assembly, and for Fuel, according to Estimate—the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker. 150*l.* Messenger, &c. of H. A.

And a further sum of 100*l.* each to the Clerk and Assistant Clerk, for their extra services during this present Session. 100*l.* Clerks of House

II. *And be it further enacted,* That His Excellency the Lieutenant-Governor be authorized to expend, by Tender and Contract, the sum of 1,500*l.* in opening the Road from Sackville to Scott's, on the Eastern Road, when it shall be certified to His Excellency that subscriptions to the extent of Five Hundred Pounds have been expended upon it; that His Excellency

1,500*l.* Eastern Road

Exc

Excellency be also authorized to repair the Sackville Bridge, if His Excellency shall be opinion that it can be repaired with advantage to the public service, or to build a new one on such site as he may select, provided the expense does not exceed 500*l.*; that His Excellency be authorised to expend 300*l.* in avoiding the Springfield Hills, and 500*l.* on one section of the Road round Cumberland Mountains.

17*l.* 10*s.* G.
Christie

III. *And be it further enacted,* That the Commissioners of Schools for the County of Pictou be authorized and directed to pay to George Christie the sum of 17*l.* 10*s.* being his Salary for teaching a combined Common and Grammar School in the said County, for the half year ending in July, One Thousand Eight Hundred and Thirty-eight, pursuant to the prayer of his Petition—the same to be paid out of the sum allowed to the said County for such Schools in the present year.

50*l.* Survey
of Road at
Chezetcook

IV. *And be it further enacted,* That the following sums granted in the year One Thousand Eight Hundred and Thirty-seven, and remaining undrawn, that is to say: 15*l.* for a Bridge at Neecum Teuch, and 15*l.* for repair of Road between Ship Harbour and Clam Harbour, be placed at the disposal of His Excellency the Lieutenant-Governor, to repay the sum advanced to defray the expense of the survey, requested by the House of Assembly in its last Session, between Chezetcook and Eecum Seecum.

500*l.* Road
emergencies

V. *And be it further enacted,* That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise, from the fall of Trees or otherwise, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridge or to remove such obstructions; and it shall be further lawful for the Governor, Lieutenant-Governor or Commander in Chief, to draw Warrants on account and in favour of such Commissioner or Commissioners; Provided that the same shall not exceed the sum of Five Hundred Pounds.

Preamble

And whereas, it is indispensable to keep up the Post Communication for the present year, and for that purpose to grant a sum of Money as heretofore, until a final decision on the mode of regulating the same in future can be had from Her Majesty's Government:

1,500*l.* & 51*l.*
Post Commu-
nication

VI. *Be it therefore enacted,* That a sum not exceeding 1,500*l.* be granted and paid for defraying the expenses of Post Communication for the year One Thousand Eight Hundred and Thirty nine, in the same manner it was kept up and defrayed the last year; and the further sum of 51*l.* for the services recommended in the report of the Committee this Session.

Duties on
certain ar-
ticles import-
ed from U.
S. applied to
the support
of the Poor

VII. *And be it further enacted,* That the Collector of Impost at the Port of Halifax shall, and he is hereby authorized and required and directed to, keep a distinct account of all Duties by him collected upon the importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in this present Session, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; and that the said Duties upon the above specified articles during the present year shall be paid quarterly to the Commissioners of the Poor for the use of the Poor of the Town of Halifax; Provided such payment do not exceed the sum of 1000*l.* during the present year.

Members'
pay

VIII. *And be it further enacted,* That the sum of 12*s.* 6*d.* per day be granted and paid to each and every of the Members of the House of Assembly, for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker; also the travelling charges as heretofore; Provided that no Member shall receive pay for more than sixty-four days attendance.

Sum for
Roads and
Bridges in
Pictou

IX. *And be it further enacted,* That His Excellency the Lieutenant-Governor be authorized, (if he shall think fit,) to expend in the rebuilding or repair of Roads and Bridges in the County of Pictou, a sum equal to the amount repaid by that County on account of Seed Oats and Potatoes, under the Relief Bill of the year One Thousand Eight Hundred and Thirty-seven—the same to be repaid by deducting the amount from such sum as may be allotted for the County of Pictou next year in the general division of Road Money.

20*l.* Bridge at
Porter's Lake

X. *And be it further enacted,* That two sums of Money, making together 20*l.* granted in the Sessions of One Thousand Eight Hundred and Thirty-seven and One Thousand Eight Hundred and Thirty-eight, for a Bridge at Eecum Seecum, and remaining undrawn from the Treasury, be applied and expended in rebuilding the Bridge at Porter's Lake.

XI. *And be it further enacted,* That the ninth, twelfth, sixteenth and eighteenth, Sections or Clauses of the Act, made and passed in the forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of this Province; also, the eleventh, twelfth and thirteenth, Sections of the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Clauses or Sections is hereby, continued in force in as full and ample a manner as if herein repeated word for word, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

CAP. II.

An Act to apply a certain sum of Money for the service of the Militia.

(Passed the 30th day of March, 1839.)

WHEREAS, from the situation of the neighbouring Province of New-Brunswick, and the menaced attack upon a portion of the Territory under the jurisdiction and authority of the British Government, it is deemed proper and necessary to provide for the due equipment and more efficient discipline and organization of the Militia, if called into actual service:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That there shall be granted and placed at the disposal of the Governor, Lieutenant-Governor or Commander in Chief for the time being, for the equipment and organization, disciplining and arming, of the Militia, and for such necessary pay and allowances as may be required, in case the said Militia, or any part thereof, shall be called into actual service, and in and for such purposes as may be indispensably required for the protection and defence of this Province or the adjoining Province of New Brunswick from foreign invasion, such sum of money, not exceeding One Hundred Thousand Pounds, as for and about such services as shall or may be required; said sum to be drawn from the Treasury of the Province by Warrants of the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, in such sums or amounts as shall or may be requisite and necessary.

A sum not exceeding £100,000 for the equipment, &c. of Militia placed at the disposal of the Governor

To be drawn from Treasury by Warrant

II. *And be it further enacted,* That whenever after the passing of this Act, upon and from any representation to be made by the Treasurer of the Province, of the state and condition of the Public Funds and Treasury of the Province, it shall appear to the Governor, Lieutenant-Governor or Commander in Chief for the time being, to be necessary to raise Monies by way of Loan to meet the purposes and objects of this Act, it shall and may be lawful for the said Governor, Lieutenant-Governor or Commander in Chief for the time being, to order and direct the Commissioners hereinafter named to negotiate and procure a Loan of such sum or sums of Money as may be found necessary for the exigencies of this Province; *Provided always,* that no larger sum than Ten Thousand Pounds be borrowed at any one time, and that the whole sum to be borrowed under this Act shall not exceed One Hundred Thousand Pounds.

When necessary for the object of this Act, Commissioners to negotiate a Loan

Not more than £10,000 to be borrowed at any one time

III. *And be it further enacted,* That the President of the Legislative Council, the Speaker of the House of Assembly, the Honorable Joseph Allison, the Honorable Michael Tobin, and Hugh Bell, Samuel Chipman and Henry Goudge, Esquires, shall be, and are hereby, appointed Commissioners to borrow Money under and for the purposes of this Act; and whenever any sum of Money shall be ordered and directed to be raised by way of Loan, such Commissioners, or any five of them, shall and may proceed to negotiate and procure such Loan by such ways and means, and in such method, from any persons in this Province or elsewhere, willing to lend the same in sums not less than One Hundred Pounds, as will obtain such Loan at the lowest rate of interest.

Commissioners

When borrowed to be paid into the Treasury in Provincial Treasury Notes or in Doubloons or British Gold and Silver Coins at a certain rate

IV. *And be it further enacted*, That the Monies so to be borrowed as aforesaid, shall be paid into the Treasury of the Province, either in Provincial Treasury Notes, or in Doubloons of full weight and fineness, at and after the rate of Four Pounds Currency each, or in British Gold and Silver Coins, at and after the rate of Twenty-five Shillings for every Twenty Shillings thereof; and, for every sum of One Hundred Pounds paid in by any person or persons, there shall be granted to such person or persons a Loan Certificate, signed by the Treasurer of the Province, and any two of the Commissioners hereinbefore named, which shall be dated on the day on which the Monies therein specified shall have been paid into the Treasury, and shall express therein the rate of interest at which the Money therein mentioned may have been borrowed, and that such Money will bear such rate of interest from the date of such Certificate.

Interest to be paid on money borrowed

V. *And be it further enacted*, That any sum or sums of Money to be borrowed under this Act shall bear interest from the date of the Loan Certificates for the same, at and after the rate of interest expressed and mentioned in such Certificates—which interest shall be payable and paid at the Treasury of the Province half-yearly, on the Thirtieth day of June and the Thirty-first day of December, in each and every year; and it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, to draw Warrants upon the Treasury of the Province for payment of such interest out of any Monies then in the Treasury.

Certificates to be made in duplicate

VI. *And be it further enacted*, That the Certificates to be made and granted under this Act shall be made in duplicate, and one part thereof shall be delivered to the person or persons to whom the same shall be made and granted, and the duplicate thereof shall be retained in the Treasurer's Office; and such Certificate shall be assignable by indorsement thereon, made by the person or persons from time to time holding the same, and entitled to the Money thereby made payable; *Provided always*, that a memorandum of such indorsement be made or entered upon the duplicate of such Certificate retained in the Treasurer's Office.

Assignable Indorsement

VII. *Provided always, and be it further enacted*, That no sum of Money shall be borrowed under this Act from and after one year from the passing thereof.

No sum to be borrowed after one year from the passing of this Act

CAP. III.

An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

(Passed 30th day of March, 1839.)

Act 6, Wm. IV, (except as amended by this Act) continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, save and except so far as the same is or may be altered or amended by this Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, except as aforesaid, are hereby continued from the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

Various articles declared to be free of Duty

II. *And be it further enacted*, That in addition to the articles in the Table of Duties to the said Act annexed contained, marked Duty Free, and declared to be free of duty by the fifth section of the said Act, the several articles hereinafter mentioned, that is to say:—The articles of Barilla and Soda, all Copper or Iron Castings of every description, for Machinery for Mills or Steam Boats, all Sheet Iron imported for and intended to be used in manufacturing

manufacturing Cut Nails, all Copper and Composition Nails and Spikes for Ship Building, and all Iron Rails for Rail Roads, whether such articles respectively be of British or of Foreign growth, production or manufacture, when hereafter imported or brought into this Province, shall be, and the same are hereby declared to be, free and exempt of and from Colonial Duty under the said Act, in the same manner as if the said several articles herein before respectively specified, had been and were respectively inserted in the said Table of Duties in the said Act contained, with the words "Duty Free" inserted in the several columns of the said Table opposite to or against the same; and also, that all Coffee of British growth or production, when hereafter imported or brought into this Province, shall be, and the same is hereby, declared to be free of Colonial Duty under the said Acts, in the same manner as if such last mentioned article had been and were inserted in the said Table of Duties, with the words "Duty Free" inserted in the first column of Duties of the said Table, opposite to or against the same.

III. *And be it further enacted*, That upon all Wines in the said Table of Duties specified as therein charged and chargeable by or under the said Act with a Colonial Duty of One Shilling and Three-pence, Sterling, the gallon, hereafter to be imported, instead of the said duty, there shall hereafter be substituted, levied, imposed and paid, a duty of One Shilling, Sterling, per gallon, and no more. Duty on certain Wines reduced

IV. *And be it further enacted*, That upon all Molasses hereafter to be imported or brought into this Province, there shall be levied, imposed and paid, a Colonial Duty as follows, that is to say: Upon all Molasses of British growth, production or manufacture, a Colonial Duty of One Penny, Sterling, for each and every gallon; and upon all Molasses of Foreign growth, production or manufacture, a Colonial Duty of One Penny, Sterling, for each and every gallon. Duty upon Molasses

V. *And be it further enacted*, That if the Duties charged or chargeable upon Wheat Flour of Foreign growth, production or manufacture, under the Act of the Imperial Parliament, passed in the third and fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions abroad, or any Act or Acts passed or to be passed in amendment of the said Act, shall be repealed by any Act or Acts of the said Imperial Parliament; and when and so soon as such repeal shall take place, and from and immediately after such Duties shall be so repealed, there shall be charged and imposed, levied and paid, upon every Barrel of Wheat Flour of Foreign growth, production or manufacture, imported or brought into this Province, a Duty or Sum of Two Shillings, Sterling. Duty on Flour

VI. *And be it further enacted*, That there shall be hereafter levied and paid on all Chocolate or Cocoa Paste of Foreign produce, imported into this Province, a Duty of One Half-penny on each and every pound thereof, instead of the advalorem Duty of ten per cent. thereon, heretofore levied and paid. Duty on Chocolate or Cocoa Paste

VII. *And be it further enacted*, That all the Colonial Duties by this Act imposed, levied, charged and substituted, for and upon Molasses, Wheat Flour and Chocolate or Cocoa Paste, and upon such Wines hereinbefore mentioned, when by this Act chargeable and payable, shall be ascertained, levied, secured, collected, paid, recovered and applied, under and according to the same directions, provisions, regulations and penalties, and by the same ways and means respectively as if such Colonial Duties hereby so imposed, levied, charged or substituted, had been originally inserted against the said respective articles in the first and second columns of the said Table of Duties to the said Act annexed. Duties imposed by this Act to be under the same regulation as those imposed by 6 Wm. IV.

VIII. *Provided always, and be it further enacted*, That whenever the Importer or Importers of any Molasses of Foreign growth, production or manufacture, chargeable with Colonial Duty under this Act, or the party or parties by whom such Duty shall have been secured, shall make it appear by satisfactory proof either by Certificate from the Officers of Customs or otherwise to the proper Officer of the Colonial Revenue for the port or place where such Duties shall have been so secured, that all or any Duties payable or chargeable or imposed on the said Molasses under the said Act of the Imperial Parliament, of the third and fourth year of the Reign of His said late Majesty, or any Act or Acts passed or to be passed in amendment of the said Act, have been actually and truly paid, then, and in such case, the said proper Officer of the Colonial Revenue shall forthwith give credit to the said Importer or Importers, party or parties, for all Duties payable on said Molasses Proviso
under

under and by virtue of this Act, in the same manner as if such last mentioned Duties had actually been paid to the proper Officer of the Colonial Revenue.

Continuation
of Act

IX. *And be it further enacted*, That this Act shall continue and be in force from the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

CAP. IV.

An Act to continue and amend the Act for regulating the Importation of Goods.

(Passed the 30th day of March, 1839.)

Act 4, Wm.
IV. (except 4
and 46 Clauses
except as
altered by this
Act) continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, which Act will continue in operation until the thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said Act contained, save and except the fourth and forty-sixth Clauses or Sections of the said Act, and also, save and except so far as the said Act is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

Bond for
Warehousing
Goods

II. *And be it further enacted*, That whenever, during the continuance of the said Act, the Importer of any Goods shall think proper to make Entry thereof for Warehouse, as provided by the fifth Section of the said Act, and it shall appear by the Certificate of the proper Officer or Officers of the Customs, that the same Goods have been duly entered at the Custom-House to be warehoused, and Bonds given therefor, as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for warehousing the said Goods required by the said fifth Section to be entered into by the Importer shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify that security for the due warehousing thereof, hath been certified to have been given at the Custom-House.

Duties not ex-
ceeding £10
to be paid be-
fore Permit
granted

III. *And be it further enacted*, That, if on the first Entry of any Goods subject to Colonial Impost Duties, or on Entry thereof from the Warehouse for home use, the Colonial Impost Duties thereon to be ascertained, as in and by the Act hereby continued and amended is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or person making the Entry thereof, before any Permit shall be granted for the Goods contained in such Entry, but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond with two sufficient Securities to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by Instalments, and in manner following, that is to say—one fourth part of said Duties in Six Months, another fourth part thereof in Nine Months, and the remaining half part thereof in One Year, from the date of such Bond respectively, and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Board to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any Instalment thereof; *Provided always*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable, one half in Three Months, and the other half in Six Months, from the date of the Entry from Warehouse, and the Bond shall be made accordingly.

If Duties ex-
ceed £10
Bond to be
given

Condition of
Bond

Warrant of
Attorney

Proviso

Period of six
days substitut-
ed for twenty
days for entry
after arrival

IV. *And be it further enacted*, That instead of the period of Twenty Days allowed by the twenty-seventh Clause of the said Act hereby amended, for the Entry inwards of Goods,

Goods, after the arrival of the Importing Ship, there shall be allowed for such Entry, six days only after such arrival, and if due Entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said Clause is directed, in the same manner as if the said period of six days had been inserted in such Clause, instead of twenty days as therein mentioned.

CAP. V.

An Act to continue and amend the Act for the Warehousing of Goods.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

II. *And be it further enacted,* That in every case, during the continuance of the said Act, where Goods charged with Colonial Duties, and also with Imperial Duties, being of Foreign Growth, Produce or Manufacture, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by any Act of the Imperial Parliament, and also in every case where Goods charged with Colonial Duties being of British Growth, Produce or Manufacture, shall be warehoused in a King's Warehouse, and the Owner or Importer of such Goods shall have given Bond at the Custom-House for the due warehousing of the said Goods respectively, as prescribed by the said regulations; then, and in every such case, the Bond for the Colonial Duties thereon, by the twenty-first Section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the Bond entered into at the Custom-House shall be deemed the security for the due warehousing of the said Goods; but it shall not be lawful for any Collector or other Officer of Her Majesty's Customs to permit any Goods so warehoused to be taken out of the Warehouse for Home Consumption or for the Fisheries, until a Permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom-House, and there filed, setting forth that the Colonial Duties to which such Goods are, or may be subject, have been fully paid or secured; and if any such Goods shall be removed or taken from such King's Warehouse before such Permit shall be granted and filed at the Custom-House, the same Goods shall be forfeited, and the Owner thereof, and the person or persons by whom the same shall be removed from the Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

Act 4, Wm. IV. continued

Bond for Colonial Duties Goods Warehoused dispensed with

Bond entered into at the Custom House to be deemed the security for the due Warehousing of the Goods

Permit from the Collector of Impost to be produced at the Custom House

CAP. VI.

An Act to establish the Rate of Tare upon Sugars.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That upon the Sale of any Brown or Raw Sugars hereafter to be made, the Tare to be allowed and deducted from any such Sugars shall be as follows, that is to say—for and upon every Cask or Hogshead of Sugar, being of the weight of Fourteen Hundred Pounds or less, a Tare of Eleven Pounds, for and upon every Hundred Pounds of the gross weight of such Sugar, and for and upon every Cask of such Sugar, above the weight of Fourteen Hundred Pounds, in

Tare upon the Sale of Brown or Raw Sugars established

like manner, a Tare of Ten Pounds for every Hundred Pounds of such Sugar, and for and upon every Barrel of such Sugar, in like manner, a Tare of Twenty-two Pounds for every Barrel.

Persons refusing to allow such Tare shall forfeit a penalty

II. *And be it further enacted,* That if any person shall hereafter refuse or neglect to allow on the Sale of any Brown or Raw Sugars the full amount or rate of Tare hereinbefore prescribed, such person shall forfeit and pay a penalty of Two Shillings and Six Pence for each and every Hundred Weight of Sugars upon which such insufficient Tare shall be allowed, to be recovered by any person who will sue for the same, in like manner and by the same course and proceeding, according to the amount of the penalty or penalties sued for, and with the same costs as if such penalty or penalties were a private debt due to the person suing for the same.

CAP VII.

An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors.

(Passed the 30th day of March, 1839.)

Act 7, Wm. 4 continued (except as amended)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, which will continue in force until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, shall remain in operation and be further continued, and the said Act, and every matter, clause and thing, therein contained, (save and except only so far as the same are or may be altered or amended by this present Act,) are hereby further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

Grand Jury recommend persons for License

II. *And be it further enacted,* That no Tavern or Shop License shall be hereafter granted to any person whomsoever, (except in the Town of Halifax,) unless upon the recommendation of the Grand Jury of the County wherein such License is to be granted.

Persons holding Shop License not to sell less than one gallon

III. *And be it further enacted,* That no person holding a Shop License, (except in the Town of Halifax,) shall hereafter, on any pretence, sell Spirits, Wines, or other strong or intoxicating Liquor, in any quantity less than one Gallon, under the same penalty, to be recovered in the like manner as by Law is imposed, and to be recovered on and from persons selling such Liquor without License.

Clerks of License to be appointed

IV. *And be it further enacted,* That the Clerks of the License in all the Counties and Districts of this Province, (except in the Town of Halifax,) shall hereafter be appointed annually, and the Grand Jury in each County and District shall return to the several Sessions of the Peace, at their first or Spring Sessions, the names of three fit and proper persons to fill the said Office, one of whom shall be appointed by the said Sessions, on the terms and conditions they are now appointed.

Clerks of License a competent witness

V. *And be it further enacted,* That the Clerk of the Licenses shall and may be and is hereby declared a competent witness, in any Action, Suit or Prosecution, for recovering any penalty or penalties imposed by this Act, or any other Act or Acts respecting Duties upon Licenses, or respecting Licensed Houses, notwithstanding such Action, Suit or Prosecution, may have been commenced in his own name, provided that the Clerk of the Licenses shall not be entitled to any commission on or to any portion of the sum recovered in any case where he shall have been examined in proof of the offence.

Continuation of Act

VI. *And be it further enacted,* That this Act shall continue and remain in force from the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

CAP. VIII.

An Act to continue and alter the Act for granting Duties on Licenses, for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses, for the sale of Spirituous Liquors, and for sales by Auction, to persons resident in the Town of Halifax, which will continue in force, and remain in operation, until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, shall be continued, and the same are hereby continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

Act 7, Wm. 4.
continued

And whereas, by the said Act hereby continued and amended, part of the Auction Duties thereby levied are appropriated towards the completion and construction of the new line of Road and Bridges, leading southerly over the Fresh Water River, and the residue of such Duties are not by the said Act specifically appropriated:

Preamble

II. *Be it therefore enacted*, That all such Auction Duties levied in the Town of Halifax, be placed at the disposal of the Governor, Lieutenant-Governor or Commander in Chief for the time being, to be applied for the said line of road herein before mentioned, and for the new road round Bedford Bason, in such way as he may deem most beneficial to the public, either for the payment of any over expenditure remaining unpaid, or otherwise.

Auction duties
how to be ap-
plied

III. *And be it further enacted*, That the Clerk of the Licenses at Halifax, shall be and be deemed a competent Witness in any Suit, Action or Prosecution, brought, sued or prosecuted, for the recovery of any penalty or penalties imposed by the Act hereby continued and amended, or by any Act or Acts respecting Duties on Licenses or Licensed Houses, notwithstanding the said Suit, Action or Prosecution, may be brought or commenced in the name of such Clerk of the Licenses, provided that the Clerk of the Licenses shall not be entitled to any commission on, or to any portion of, the sum recovered, in any case where he shall have been examined in proof of the offence; *and provided also*, that when there is no informer entitled to receive a moiety of the fine under the existing Law, the whole fine shall be appropriated to the purposes and in the manner directed, with regard to the portion of fines now payable by the Clerk of the Licenses, out of the fines recovered by him.

Clerk of Li-
cense to be a
competent
witness

IV. *And be it further enacted*, That this Act shall continue and remain in operation until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

Continuation
of Act

CAP. IX.

An Act to authorize the sale of Coals by Weight.

(Passed the 30th day of March, 1839.)

WHEREAS, by Law, all Coals are now required to be sold by measure, and it is deemed that sale by Weight is more likely to benefit the public:

Preamble.

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That from and after the first day of August next, after the passing of this Act, it shall and may be lawful for any person or persons selling Coals at any Mine, Pit, or Seam of Coals, opened and worked agreeably to Law, to sell such Coals to any person or persons, either to be water-borne or otherwise, by weight, instead of selling the same by measure, any Law, usage or custom, to the contrary notwithstanding.

Persons at any
Mine enabled
to sell coal by
weight

II. *And be it further enacted*, That in every case where Coals shall be brought from any Mine,

Coals brought to any place in the Province and offered for sale may be sold by weight if Seller and Purchaser agree

Mine, Pit, or Seam of Coals, from and after the first day of August next, after the passing of this Act, to any Town or place within this Province, and be there offered for sale, either from and on board of any Ship or Vessel, or after being unladen therefrom, and it shall be agreed between the Seller and Purchaser, that such Coals shall be sold by Weight, it shall and may be lawful in such case, to sell such Coals by Weight, instead of by measure, any Law, usage or custom, to the contrary notwithstanding: *Provided always*, that where no such agreement shall be made as hereinbefore mentioned, no Coals so brought from the Mine, Pit or Seam, to any Town or place, and offered for sale, shall be there sold, otherwise than as is now by Law directed, and nothing herein contained shall, in such case, extend or be construed to extend, to interfere or dispense with any regulation or enactment now in force, respecting the measure of Coals, nor with any penalty for breach of such regulation or enactment.

This Act to continue one year

III. *And be it further enacted*, That this Act shall continue and be in force for one year from the day of passing hereof, and no longer.

CAP. X.

An Act in amendment of the Act to regulate the Packing and Inspecting of Salted Beef and Pork, for exportation.

(Passed the 30th day of March, 1839.)

Preamble

WHEREAS, by the second Clause of the Act, passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Packing and Inspecting of Salted Beef and Pork, for exportation, it is provided, that every Barrel or half Barrel in which Beef or Pork shall be packed or re-packed for exportation, shall have two Iron Hoops, and at least fourteen Ash, Oak, or Hickory Hoops; *And whereas*, the expense and difficulty of procuring Ash, Oak, or Hickory Hoops in this Province, renders it expedient to amend the said Act in this particular.

Hoops to be as well Ash, Oak or Hickory as Yellow Birch and Maple

I. *BE it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, it shall and may be lawful to use for Hoops on any Barrel or half Barrel in which Beef or Pork is to be packed or re-packed, as well Ash, Oak or Hickory, as also Yellow Birch or Maple Hoops; *Provided*, that in every other particular such Barrel or half Barrel be conformable to the said Act hereby amended.

Preamble

And whereas, it will be beneficial if all Beef and Pork packed or re-packed in Barrels or half Barrels for Sale, shall be Inspected and Branded, as by the said Act is directed, in respect of Beef and Pork intended for exportation.

All beef & pork to be inspected whether intended for exportation or home consumption

II. *Be it therefore enacted*, That, from and after the passing of this Act, all Beef and Pork packed or re-packed in Barrels or half Barrels for Sale, whether intended for exportation or for Home Consumption, shall be Inspected and Branded, in the same manner as is directed by the said Act, with respect to Beef and Pork for exportation, and all the rules, regulations, enactments, allowances, penalties and forfeitures, in and by the said Act enacted, provided, imposed and made, applicable to Beef and Pork packed or re-packed for exportation, shall apply, and are hereby provided, enacted, imposed and made, applicable to all Beef and Pork packed and re-packed in Barrels or half Barrels for Sale, whether for consumption in this Province, or for exportation.

CAP. XI.

An Act to continue and amend the Act to regulate the Weighing of Beef.

(Passed the 30th day of March, 1839.)

Act 10, Geo. IV. continued

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

Fourth; entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, save and except as hereby amended, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That every person appointed or to be appointed for the inspecting and weighing of Beef, under and by virtue of the Act hereby continued and amended, shall be sworn to the faithful and impartial discharge of his duty, in the same manner as other Town Officers are sworn.

Inspector to be sworn

III. *And be it further enacted*, That, from after the passing of this Act, no such Officer, appointed under the said Act shall, on any pretence, in inspecting and weighing any Beef, as directed by the said Act, deduct from any Quarter of Beef more than what shall be a fair and reasonable allowance for any bruises which may have been sustained by the Cattle from which such Beef shall be made, and shall appear to be injurious to the Beef, under a penalty of a sum not exceeding Five Pounds, nor less than Two Pounds.

Inspector shall not make more than a fair allowance for bruises

IV. *And be it further enacted*, That every penalty by this Act, or by the Act hereby continued imposed, shall be sued for and recovered in like manner, and by the same means, as if such penalty were a private and individual debt, due to the person who will sue for the same, before one Justice of the Peace, for the County wherein the offence for which the same shall be imposed hath been committed, and to be applied one half to the person suing for the same, and the other half to the Poor of the Township or place where such offence hath been committed.

Penalty to be sued for as if it were a private debt

Appropriation of Penalties

CAP. XII.

An Act to enable the Freeholders of the Township of Pictou to assess themselves for certain arrears of Poor Rates.

(Passed the 30th Day of March, 1839.)

WHEREAS, considerable sums are due to sundry persons for supplies actually furnished by them, and applied to and for the use of the Poor of and in the Township of Pictou; *And whereas*, the late Overseers of the Poor for said Township have been held to be discharged of personal liability in respect of such supplies, and the Freeholders of said Township are not empowered by the Statutes now in force to assess themselves for such arrears:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Freeholders of the said Township of Pictou shall be, and they are hereby, authorized and empowered, at their first meeting which shall be held next after the passing of this Act, or at any subsequent meeting, for the purpose of voting money for the support of the Poor, to include in such vote such sum as shall be proved to the satisfaction of the Freeholders so assembled, to be justly due and payable to the said persons respectively, for and in respect of such supplies.

Freeholders of Township of Pictou empowered to vote money arrears of Poor Rates

II. *And be it further enacted*, That the Overseers of the Poor for the said Township, for the time being, so soon as they shall receive, out of the monies so voted, and which shall have been duly assessed and levied on said Township, a sum sufficient to discharge the amount so found to be due and payable to the said persons respectively, shall, and they are hereby authorized and required, to pay over the same to the said persons respectively, their respective representatives or Assigns, and to include every such payment in their accounts with the said Township, for the then current year, as a charge thereon.

Overseers of Poor to see the money applied according to the provision of this Act

CAP. XIII.

An Act to amend the Acts to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton.

(Passed the 30th Day of March, 1839.)

If services of Licensed Pilot out of Port of Sydney be refused he shall be entitled to receive pilotage.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That in any case where a Licensed Pilot shall offer his services to take charge of any Ship or Vessel, about to proceed from and out of the Port of Sydney, (where some Licensed Pilot shall not have been previously engaged, or have offered his services and been declined) such Licensed Pilot, if his services shall be refused, shall be entitled to demand and receive the same proportion of Pilotage as under and by virtue of the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act to alter, amend and continue, the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, the said Pilot would have been entitled to demand and receive, if on the entrance of such Ship or Vessel into the Port of Sydney, the same had been spoken and first hailed by such Licensed Pilot, outside of Low Point and Cranberry Head, and his services then not accepted.

The Licensed Pilot who has conducted any Vessel into Sydney and shall offer his services out of that Port such Pilot shall be entitled to preference

II. *Provided always, and be it further enacted,* That any Licensed Pilot who shall have taken charge of, and conducted any Ship or Vessel, into the said Port of Sydney, and shall offer his services to such Ship or Vessel as Pilot out of such Port of Sydney, and shall be ready and willing, when such Ship or Vessel shall be ready for sea, to take charge of such Ship or Vessel out of the Port of Sydney, and then tender his services as Pilot, shall be entitled to preference to any other Licensed Pilot, and, in case his services shall not be accepted, shall be entitled to demand and receive the like proportion of Pilotage as herein before mentioned.

Any Ship requiring a Pilot to hoist an Union Jack &c. &c.

III. *And be it further enacted,* That whenever any Ship or Vessel shall require a Pilot from and out of the Port of Sydney aforesaid, the Master of such Ship or Vessel, so requiring such Pilot, shall make the same known by hoisting an Union Jack, if a British Ship or Vessel, or, if a Foreign Ship or Vessel, such Flag as is usually worn by such Foreign Ship or Vessel, during day-light, at the Fore-top-gallant-mast head of such Ship or Vessel, for at least twelve hours before the time of sailing of such Ship or Vessel, and in case no Licensed Pilot shall offer himself during that time, the said Master shall then be at liberty to employ such person as he may think fit, although such person may not be a Licensed Pilot.

Provided that any person who has so taken charge of any Ship shall surrender to a Licensed Pilot if he tender his services

IV. *Provided always, and be it further enacted,* That if any Licensed Pilot shall, within the time herein before specified, tender his services to take charge of any such Ship or Vessel out of the said Port of Sydney, any person not being a Licensed Pilot, who may have taken charge of such Ship or Vessel, as Pilot, shall surrender the charge thereof to such Licensed Pilot, under the penalty of Three Pounds, to be sued for, recovered and applied, as is prescribed and provided by the tenth clause of the Act, passed in the first year of the reign of His said late Majesty King William the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton.

Nothing herein contained to extend to a Vessel engaged in coasting voyage

V. *And provided also, and be it further enacted,* That nothing in this Act or in any of the Acts hereinbefore mentioned, and hereby amended, contained, shall extend, or be construed to extend, to require or compel any Ship or Vessel employed or engaged in a Coasting Voyage, from Sydney aforesaid, to any other Port or Place within this Province, or from any other such Port or Place, to the Port of Sydney aforesaid, to take or receive a Pilot, either going into, or coming out of, the said Port of Sydney, or to pay any proportion of Pilotage on refusing a Pilot.

This Act to be in force from 27th March 1839 to the end of next Session of the General Assembly

VI. *And be it further enacted,* That this Act shall continue and be in force for one year, from the Twenty-seventh day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and from thence to the end of the then next Session of the General Assembly.

CAP. XIV.

An Act in further addition to the several Acts now in force respecting Poor's Rates.

(Passed the 30th Day of March, 1839.)

WHEREAS, by the Laws now in force relating to the Poor, the number of Assessors of Poo's Rates is limited to five, in each Township or Settlement, which, in many of the Townships or Settlements, is found to be inconvenient and productive of much delay and difficulty in the faithful discharge of the duties of that office, as well as heavy expense to the persons appointed—for remedy thereof:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, it shall and may be lawful to and for the Freeholders of any Township or Settlement, at their respective meetings duly called, to make provision for the Poor of such Township or Settlement, to nominate and appoint, in due form, any number of Freeholders to be Assessors of Poor Rates, voted or rated within and upon such Township or Settlement, not less than five nor exceeding ten, in the whole of such Township or Settlement, as the majority of such Freeholders present at such meeting may judge expedient and proper, any three of whom shall be a quorum, in cases where less than eight shall have been so nominated and appointed as such Assessors; and five shall be a quorum, where seven or upwards shall be so appointed as such Assessors, for the purposes of their said Office.

II. *And be it further enacted,* That hereafter no person being an Assessor or Assessors of Poor Rates, shall, upon any pretence whatsoever, be exempt from being assessed, and paying his or their due and just proportion of all such Rates, Taxes or Assessments, as shall from time to time be duly voted, rated, assessed and levied, for the support and maintenance of the Poor, and if any person or persons being Assessor or Assessors of Poor Rates, shall refuse or neglect to rate and assess himself or themselves in a due and just proportion of and for all or any such Rates, Taxes or Assessments, as shall be duly voted and rated for the support and maintenance of the Poor, on the Township or Settlement for which he or they shall or may be the Assessor or Assessors, the person so offending shall forfeit and pay the sum of Five Pounds, the same to be sued for, recovered and applied, in manner and form as is directed in and by the Act, of which this is an amendment.

III. *And be it further enacted,* That the Act, passed in the Fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of, and additional to, the Acts now in force relating to the support and management of the Poor, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

CAP. XV.

An Act for appointing Trustees for Public Property, in the Town of Pictou.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That upon the application, and by the consent and request of the Justices, or of the majority of the Justices of the Peace for the County of Pictou, with the concurrence of the Grand Jury, at any General Sessions of the Peace, duly entered on Record, and certified to the Governor, Lieutenant-Governor or Commander in Chief for the time being, it shall and may be lawful for the said Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate, appoint and commission, three fit and proper persons, Inhabitants of the County of Pictou, to be Trustees of Public Property in Pictou,—which said three persons, when so nominated, appointed and commissioned, and such persons as may be appointed from time to time to succeed them, in manner as hereinafter mentioned, shall be, and are hereby declared to be, a Body, Politic and Corporate, in name and in deed, under the name of

“The

Preamble

The Freeholders of any Township to appoint Assessors not less than five nor more than ten

Assessors not to be exempt from being assessed

Penalty

Act 5, Wm. IV, repealed

Governor to appoint 3 persons to be Masters of Public Property at Pictou

Declared to be a Body Politic and Corporate

“The Trustees of Public Property in Pictou,” and by that name shall have succession and a Common Seal, and may sue and be sued, defend and be defended, implead and be impleaded, in all or any Court or Courts of Law or Equity.

All Lands & Tenements, &c. vested in the Trustees

II. *And be it further enacted,* That when and so soon as such Trustees shall have been so nominated, commissioned and appointed, as aforesaid, all and singular, such Lands, Tenements, Hereditaments and Real Estate, whatsoever, which shall have been conveyed, granted, reserved, or by any Deed or Written Conveyance or Instrument, may have been dedicated, or may have been obtained, purchased or procured, or for twenty years or upwards, shall have been used to or for public purposes, in the said Town, whether for public Slips or Landing places, or for Public Markets, or for the site of any Court-House or Jail, or Public Market, with the Houses, Buildings, and Appurtenances thereon, or thereto belonging, shall be, and become vested in, and absolutely transferred to, the said Trustees; and all such Lands, Tenements, Hereditaments and Real Estate, to be hereafter procured, purchased or obtained, for public purposes, in the said Town of Pictou, shall be conveyed to, and in like manner, be vested in, and transferred to, the said Trustees, for the time being, who shall hold such Lands, Tenements Hereditaments and Real Estate, as are hereby declared to be vested and transferred to them, to and for the common use and benefit of the Public, and for the purposes to which the same may have been heretofore applied, or been conveyed or dedicated, or for which the same may have been or may be procured, purchased or obtained. *Provided always,* that nothing herein contained shall extend, or be construed to extend, to deprive any person or persons, or Body, Politic or Corporate, of any interest, property, possession or right, which may have been acquired by such person or persons, or Body Politic or Corporate, under and by virtue of the several Statutes of Limitations in force in this Province, or any of them, previous to the passing of this Act.

Nothing herein contained to extend to effect Burial Ground, place of Worship, College, Academy, &c.

III. *And provided also, and be it further enacted,* That nothing herein contained shall extend to, or affect, any Burial Ground, place or places of Worship, College, Academy, School or any Land belonging thereto, or any piece, parcel or Lot of Land belonging to any Religious Society or Congregation, within the said Town.

The Governor, &c. to supply vacancies in Trustees

IV. *And be it further enacted,* That whenever any vacancy shall occur in such Trust here-by created, by the death, resignation, or absence from the Province, of any Trustee, for two years, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate, appoint and Commission, some fit and proper person, being an inhabitant of the said County, to supply such vacancy, so as the number of the said Trustees may always be three.

Not to extend to interfere with the control of Court of Sessions

And whereas, it is the intention of this Act to provide for the support and protection of the title of such Public Property, but not to interfere with the control of the Court of General Sessions over the same:

The Trustees to act under the direction of the Justices of the Peace

V. *Be it therefore enacted,* That all such Lands, Tenements, Hereditaments and Real Estate, shall be under the control of the Justices of the Peace, for the County of Pictou, and shall be leased and managed by such Trustees, in such way and manner, as by such Justices, at any General Sessions of the Peace may, from time to time, be directed.

The charges & expenses of Trustees when allowed by the Grand Jury to be assessed as the County charges

VI. *And be it further enacted,* That all charges and expenses by the said Trustees so incorporated, incurred in or about the said Trust, or the affairs, business, proceedings or management thereof, or in the prosecution or defence of any Actions or Suits, touching the public objects of the Trust, shall, when examined and allowed by the said Grand Jury, be presented, assessed, levied and paid, in like manner as other public County charges and expenses.

CAP. XVI.

An Act to enable the Inhabitants of Cornwallis to provide a Public Town House for that Township.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury and Court of General Sessions of the Peace for the County

County of King's County, at the next Term or Sitting of the said Court, or at any subsequent Term, to appoint a Committee of three persons, Inhabitants and Freeholders of the Township of Cornwallis, to build and erect, in some central and convenient place in said Township, and on some proper site to be procured and provided by the said Committee, a sufficient and commodious Town House, wherein to hold the Elections for such Township, to hold Town Meetings for the voting of monies for the Poor, and for such other public purposes as may be prescribed by the said Court of Sessions, and shall assess upon such Township a sum not exceeding Two Hundred Pounds for building such Town House, and shall appoint five Assessors, by whom such sum shall be assessed upon the inhabitants of such Township.

II. And be it further enacted, That such Assessors shall also be Collectors of the amount so to be assessed, and the said sum, so to be assessed, shall be assessed, levied, collected and recovered, by the said Assessors and Collectors, upon and from the Inhabitants of the said Township, by the same means, in the same way and manner, and under and according to the same rules, regulations and enactments, and subject to the same penalties, and with the same right of appeal, as are now in force, or have been enacted for assessing, levying, collecting or recovering, Poores' Rates in the said Township.

III. And be it further enacted, That when and as the monies so to be assessed under this Act shall be collected and received, the same shall be paid over to the Committee to be appointed, as hereinbefore mentioned, to be applied and expended in the building of said Town House, and such Committee shall duly account to the Grand Jury and Court of Sessions of the said County, for the expenditure of Monies so assessed and received by them.

IV. And be it further enacted, That such Town House, when so built and erected, shall be placed under the management and control of the Supervisors of Public Grounds, for such Township.

Grand Jury & Court of General Sessions for the County of King's to appoint a Committee to build a Town House in Cornwallis. A Sum not exceeding £200 to be assessed. Five assessors to be appointed.

Assessors to be collectors of the amount assessed

Money to be assessed to be paid over to the Committee and applied in building of said Town House

The Town House to be placed under the controul of supervisors of Public Grounds.

CAP. XVII.

An Act to provide a Lock-up House at River John, in the County of Pictou.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Pictou to present, and for the Court of Sessions for the said County to confirm, any sum of money which they may deem necessary and sufficient for the erection and safe and proper keeping of a Lock-up House, to be erected at River John, in the said County, and it shall be lawful to assess, levy and collect, the said sum, in the same manner as now by Law provided for other sums assessed for County purposes.

II. And be it further enacted, That the said Lock-up House shall be placed under the charge of such person as the said Grand Jury may recommend for the purpose, and it shall and may be lawful for the said Court of Sessions from time to time, to make all necessary regulations for the proper keeping of said Lock-up House, and for the custody and safe keeping of such persons as may be confined therein.

Grand Jury of Pictou to present and the Court of Sessions to confirm money for erection &c. of a Lock-up House at River John

Lock-up House to be under charge of person recommended by Grand Jury

CAP. XVIII.

An Act to authorize the Grand Jury and the Court of Sessions in the County of Colchester, to present and assess monies for the erection of a Lock-up House in Tatamagouche, in the said County.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Colchester to present and assess, and

Money to be assessed for the erection of a Lock-up House at Tatamagouche

for the Court of Sessions for the said County to confirm the same, any sum of money which they may deem expedient and necessary for the erection and safe and proper keeping and regulation of a Lock-up House, to be erected at Tatamagouche, in the said County, and it shall be lawful to assess and levy and collect the said sum, in the manner as now by law provided for other sums presented and assessed for County purposes.

II. *And be it further enacted,* That the said Lock-up House shall be placed under the charge of such person as shall be appointed by the Court of Sessions, on the recommendation of the Grand Jury for that purpose, and it shall and may be lawful for the said Court of Sessions to make, from time to time, all necessary regulations for the proper keeping of the said Lock-up House, and for the custody and safe keeping of such persons as may be confined therein.

To be placed under the direction of a person appointed by Court of Sessions. The Sessions to make all necessary regulations

CAP. XIX.

An Act to enable the Congregation at Rogers' Hill, in connexion with the Kirk of Scotland, to make Sale of their Church or Meeting-House.

(Passed the 30th day of March, 1839.)

Preamble

WHEREAS, the Congregation at Rogers' Hill, in the County of Pictou, in connexion with the Kirk of Scotland, have determined on building a new Church or Meeting-House, in the place of the old one now used by them, which is becoming ruinous, and which they are desirous to sell and remove, and notwithstanding such Congregation are nearly unanimous in such determination, they are desirous of preventing difficulty in making such sale or removal, by obtaining a Law to enable them to do so:

Congregation at Rogers' Hill after public notice in the Church or Meeting-House or other place of Worship at any Meeting to be held by them are authorized to appoint a Committee of three to sell the old Church or Meeting House

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Male Members of such Congregation, at any meeting to be held by them after Public Notice thereof previously given on two several Sundays in the said Church or Meeting-House, or in such other place of Worship as may be now used by such Congregation, while the Congregation shall be therein assembled for Divine Worship, and at which Meeting at least two thirds of the whole of the said Male Members shall be present, to nominate and appoint a Committee of three in number, who shall be authorized, and such Committee, when so appointed, is hereby authorized, to make Sale of the said old Church or Meeting House, after such notice of Sale, as may be directed by the said Meeting or a majority thereof, and to remove or cause to be removed the same, and to apply the proceeds as by the said Meeting, or a Majority of such Meeting, shall be directed.

CAP. XX.

An Act to enable the Congregation at Barney's River, in connexion with the Church of Scotland, to sell their Church or Meeting-House.

(Passed the 30th day of March, 1839.)

Preamble

WHEREAS, in erecting their Church or Meeting-House at Barney's River, in the County of Pictou, the Congregation there in connexion with the Church of Scotland, have incurred a considerable debt, which they are unanimously desirous to provide for and liquidate, by making sale of the said Church or Meeting-House:

Congregation at Barney's River authorized to dispose of their Church or Meeting House

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the said Congregation at Barney's River, in connexion with the Church of Scotland, at any meeting of such Congregation, to be duly called and summoned after notice thereof publicly given, by notices posted up in at least six public places of the Settlement, to appoint five fit and proper persons as a Committee to sell and dispose of such Church

Church or Meeting-House, and such Committee shall, after being so appointed, have full power and authority to cause such Church or Meeting House, with the ground whereon the same stands, to be advertised for Sale at Public Auction for ten days, and upon a certain time, and at some certain place, to be named in such advertisement, to expose such Church or Meeting-House, with the ground whereon the same stands, to Public Sale, and to sell and dispose of the same to the highest bidder, and to make and execute a good and valid Deed and Conveyance of the said Meeting House or Church and Ground, to the purchaser thereof.

II. *And be it further enacted,* That the said Committee shall dispose of and apply all monies arising or to be received from such Sale, after deducting the reasonable expenses of Sale, to the payment and liquidation of the debt or debts due upon, or in respect of, such Church or Meeting-House, or the building or the finishing thereof; and in case there be several debts due to different individuals, and the monies from such Sale shall not be sufficient to pay all such debts, then such monies shall be applied to the satisfaction of such debts, in a fair and rateable proportion to and for each.

The money arising from Sale to be applied to the payment of the Debt due in respect of such Church

CAP. XXI.

An Act to enable the Inhabitants of Windsor to enclose the Public Burial Ground there.

(Passed the 30th day of March, 1839.)

WHEREAS, there is a Public Burial Ground at Windsor, which is a general burial place, not belonging to any Church, or under the controul of any peculiar denomination of Christians, and it is necessary to provide for its proper order and keeping, from the general contribution of all the Inhabitants, more particularly as such Burial Ground is the usual place of interment for Paupers :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Freeholders of the Township of Windsor, at any of their meetings, to vote money for the support of the Poor; in addition to the money required for the support of the Poor, to vote so much money as they may think proper and necessary for the fencing and due order and keeping of the said Burial Ground—which money, so voted for such purpose, shall be added to, and assessed, levied and collected, with and by the same means, under the same regulations and penalties, as other monies which shall or may be voted at the same meeting, and, when collected, shall be applied to the purposes for which the same shall have been so voted.

Freeholders of Windsor to vote money for Fencing, &c. the Burial Ground

CAP. XXII.

An Act to alter the limits of the jurisdiction of the Commissioners of Highways in Lunenburg.

(Passed 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, instead of the bounds and limits affixed to the jurisdiction, powers and authority, of the Commissioners of Highways for the Town of Lunenburg, by the Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, there shall be substituted the following bounds and limits, that is to say: To, for and within, such parts of the said Town of Lunenburg as extend eastward to the south west angle of the Garden Lots nearest to the Town of Lunenburg, west to the Road leading to Burns' Tan Yard, and North to the Bridge in the rear of the Town, within which bounds and limits, hereby substituted, the said Commissioners of Highways for Lunenburg shall have and exercise the like powers, authorities and jurisdiction, as if such substituted limits had been originally inserted in the said Act of the seventh year of the Reign of His said late Majesty, entitled as aforesaid.

Limits of the Commissioners of Highways for Lunenburg altered

CAP. XXIII.

An Act for setting off part of the Township of St. Mary's into a separate Township.

(Passed 30th day of March, 1839.)

Preamble

WHEREAS, the Inhabitants of that part of the Township of Saint Mary's, residing in Country Harbour, and its vicinity, are much inconvenienced, by being compelled to attend meetings for voting Monies for the Poor, and for other Town purposes, at Saint Mary's, and are desirous of having themselves set off and established into a separate and distinct Township :

Bounds of the Township of Stormont

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, all that part of the Township of Saint Mary's, hereinafter described, that is to say:—Begining at the South Eastern Angle of the Township of Saint Mary's, as at present laid out and surveyed; thence along the Eastern side line of said Township to the Road as at present occupied, leading from Guysborough to Saint Mary's; thence along the said Road Westwardly to a point, one mile to the Westward of Country Harbour River; thence Southwardly in a straight line to the head of Port Bickerton; and thence Eastwardly, including the Islands in front or to the South, to the place of beginning, shall be, and the same is hereby declared to be, and is set off as a separate and distinct Township, by the name of the Township of Stormont, and the inhabitants living within the same shall have all the same privileges, powers, rights and authorities, and be subject and liable to the same liabilities and duties, as if the said Township of Stormont had been originally established into a separate Township.

Township of Stormont no longer to be considered part of St. Mary's

II. And be it further enacted, That, from and after the passing of this Act, the said Township of Stormont, hereby erected, shall no longer be considered as, or form part of, the Township of Saint Mary's. Provided always, that until the next Sessions of the Peace, whereat Town Officers for such Township are to be appointed shall be held, the Town Officers appointed for the Township of Saint Mary's, who may be resident in the said new Township of Stormont, shall continue, and be deemed, and considered, as Town Officers for such new Township, as if they had been appointed for such new Township.

CAP. XXIV.

An Act for improving the Administration of Criminal Justice.

(Passed 30th Day of March, 1839.)

When it is necessary to state the ownership in any Indictment of any property belonging to more than one person, it shall be sufficient to name one of such persons

Provision extended

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That in order to remove the difficulty of stating the names of all the Owners of Property, in the case of Partners and other Joint Owners, in any Indictment or Information, for any Felony or Misdemeanor, wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to, or be in the possession of, more than one person, whether such persons be Partners in Trade, Joint Tenants, Parceners or Tenants in common, it shall be sufficient to name one of such Persons, and to state such Property to belong to the person so named, and another or others, as the case may be; and whenever in any Indictment or Information, for any Felony or Misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any Partners, Joint Tenants, Parceners or Tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all Joint Stock Companies and Trustees.

CAP. XXV.

An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

(Passed 30th Day of March, 1839.)

WHEREAS, by the Act, passed in the first year of Her present Majesty's Reign, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, provision is made for procuring a grant of a certain piece of Land near the Town of Halifax, in said Act, stated to be vested in the Crown, but which it has been ascertained is in reality conveyed to a private person, but for the use of Her Majesty's Ordnance Department. And whereas, the Commanding Officer of Her Majesty's Engineers at Halifax, Colonel Rice Jones, has deemed it advisable to exchange such piece of Land for an equal quantity of Land, situate within the limits allotted for a Public Cemetery, by the Act, passed in the third year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Cemeteries or Burial Grounds in the Town of Halifax, which, from its situation, can be rendered serviceable to the Fortifications now in the course of erection on the Citadel Hill, so called.

1. Vict. c. 17 (1832) Preamble

3 Wm IV. c. (1833)

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the respective Officers of Her Majesty's Ordnance Department at Halifax, for the time being, by any Deed to be made and executed by such Officers, to convey and assure to the said Commissioners, by the name of "The Commissioners of Public Cemeteries," in Halifax, the said piece of Land hereinbefore first mentioned, which is bounded on the east by Fort Massy, and extends westwardly towards and across the Brook or Stream running from the Common of Halifax to Fresh Water Bridge, which said Deed shall be sufficient to vest in the said Commissioners of Public Cemeteries in Halifax, for the time being, the said piece of Land, to be particularly described and specified in the said Deed, in the same manner, and for the same purposes, and to the same intent, as if such piece of Land had been and were originally described and inserted in the said Act of the said third year of His said late Majesty's Reign, instead of the piece of Land which in said Act is described and inserted, and thereby appropriated for a Public Cemetery. Provided always that nothing in this Act contained shall repeal, or be construed to repeal, or in any wise affect the Act, passed in the sixth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to amend and repeal certain provisions in the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

Officers of Ordnance Department authorized to convey a Lot of Land

Description of the Lot

Proviso 6 Wm IV. c. (1836)

II. And be it further enacted, That when and so soon as such Deed shall have been executed as aforesaid, it shall and may be lawful for the said Commissioners, for the time being, to make and execute a Deed or Conveyance, to our Sovereign Lady the Queen, Her Heirs and Successors, of such portion of Land, situated within the limits allotted, selected and appropriated, by and under the said Act of the third year of the reign of His said late Majesty, to be in such Deed or Conveyance particularly described and specified, as may be equal in quantity to the quantity of Land contained in the said Deed, from the respective Officers of Ordnance to the Commissioners of Cemeteries, and the Deed or Conveyance to be so executed by said Commissioners, shall be sufficient to vest in Our said Sovereign Lady the Queen, Her Heirs and Successors, the Land to be in and by such Deed or Conveyance, described and conveyed in fee simple absolutely forever.

Commissioners of Cemeteries to execute a Deed to the Queen of a certain portion of Land

Provided always, and be it hereby declared to be the true intent and meaning of this Act, that no more of the Common shall be taken and enclosed for a Cemetery than shall be sufficient, with the said Lot of Land to be conveyed as aforesaid, to make twelve acres.

Proviso

III. And be it further enacted, That this Act shall not go into operation, or be of any force or effect until the same shall have been confirmed by Her Majesty.

Her Majesty's assent required

CAP. XXVI.

An Act to repeal the Act to extend to Falmouth, in the County of Hants, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places, and the Act making the same perpetual.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to extend to Falmouth, in the County of Hants, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places; also, the Act, passed in the fifth year of His said late Majesty's reign, to render the said Act perpetual, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby repealed.

Act 2. Wm. IV and V. Wm. IV repealed

CAP. XXVII.

An Act to incorporate the Moose River Mills Company.

(Passed the 30th Day of March, 1839.)

WHEREAS, James Royer Smith and Hugh Hartshorne, have erected Dams and Mills for Sawing Lumber, and for other purposes, at Moose River, in the District of Parrsboro, County of King's, in this Province, and for the purpose of working the same with effect, by extending the business by means of a larger capital, whereby the prosperity of the District will be promoted, it is desirable to incorporate into a Body, Politic and Corporate, the said James Royer Smith and Hugh Hartshorne, and such persons as may be willing to join them, and advance funds for such purpose:

Preamble

James Royer Smith and Hugh Hartshorne and others Declared to be a Body Politic

May sue and be sued

May hold House Lands, &c.

Bye Laws

Bye Laws not to be of any force until approved by Governor, &c.

Company shall not possess more than Ten Thousand Acres

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That James Royer Smith and Hugh Hartshorne, and all and every such other person or persons as shall from time to time become Proprietors of Shares in the said Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into a Company, and declared to be a Body, Politic and Corporate, by the name of "the Moose River Mills Company," and by that name shall and may have succession, and a common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law or Equity, or place whatsoever, and be able and capable by Law, to have, hold, purchase, receive, possess, enjoy, retain, take, lease, erect and set up, Houses, Lands, Tenements, Hereditaments, Mills, Rents and Properties, in Fee Simple, leasehold or otherwise, and also, Goods and Chattels, and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey, the same, or any part thereof; and to do and execute all other things, in and about the same, as shall or may be thought necessary and proper for the benefit and advantage of the said Company; and also, that the said Company or the major part of them, shall, from time to time, and at all times, have full power and authority to constitute, ordain, make, and establish, change, vary and alter, such Bye-Laws and Ordinances as may be thought necessary for the good rule and government of the said Corporation; Provided, such Bye-Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Province or those in force within the same; And provided always, that such Bye-Laws and Ordinances shall not be of any force or effect, until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor or Commander in Chief, for the time being.

II. Provided always, and be it further enacted, That the said Company shall not take, have, hold or possess, at any one time, a greater number than Ten Thousand Acres of Land.
III. And be it further enacted, That the said Company and its affairs, and business, shall be under the management and direction of a President, and such other Officers, as shall or may

may be named and designated, by the Bye-Laws of the said Company; and the capital of the said Company shall be divided into shares of such amount, as by the said Bye-Laws may be hereafter provided, and such shares shall be assignable and transferable in such manner, and upon such terms, as by the said Bye-Laws may be also provided and directed.

President and Officers

IV. *And be it further enacted,* That, for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interest of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be Personal Property, to all intents and purposes whatsoever.

Shares to be deemed personal property

V. *And be it further enacted,* That all such Lands and Real Estate, or so much thereof, as may be necessary to satisfy the same, shall and may be taken upon any Writ of Fieri Facias, or other Execution that may be issued against the said Corporation, upon any Judgment that may be given against them, and sold in the same manner as Goods and Chattles may be taken and sold, and the Sheriff shall, immediately after such sale, make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation, in the Lands so taken, sold and conveyed.

Lands may be taken under fieri facias and sold

VI. *Provided always, and be it further enacted,* That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of Money, by way of discount or otherwise, or engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship or Vessel, or Marine Risk, or upon any loss by Fire, or upon any life or lives.

Company not to deal in lending money or in Banking, or to effect insurance

VII. *Provided also, and be it further enacted,* That nothing herein contained, shall extend or be deemed, construed, or taken to extend, to relieve or discharge the said Company, or any of the present or future Proprietors, or other holders of shares in the said Company, from any responsibility, contract, duty or obligation, whatsoever, to which by Law they, he or she, now is, or at any time hereafter may be, or would have been subject or liable, had this Act not been passed as between such Company and any other party or parties whomsoever, in any manner or way howsoever, and the said Proprietors or Holders of Shares in the said Company, their Lands, Goods and Chattels, shall be liable under any execution that may be issued against the said Corporation, in the same manner, and to the same extent, as if this Act had not been passed.

Holders of Shares in Company not to be discharged from any responsibility

CAP. XXVIII.

An Act to change the Name of the Petite Plaister and Mills Company.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, hereafter the Petite Plaister and Mills Company shall be called and known as and by the name of "The Walton Plaister and Mills Company," and by that name shall have, exercise and enjoy, all and the like Corporate powers, privileges and immunities, granted by the Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act to incorporate the Petite Plaister and Mills Company, in the same manner, to all intents and purposes, as if the said Company had been in and by the said Act originally incorporated by the name of "The Walton Plaister and Mills Company."

The Petite Plaister and Mills Company to be called the Walton Plaister and Mills Company

CAP. XXIX.

An Act for incorporating the Nova-Scotia Baptist Education Society.

(Passed the 30th Day of March, 1839.)

WHEREAS, a number of persons associated themselves in this Province, in the year One Thousand Eight Hundred and Twenty-eight, under the name of the Nova-Scotia Baptist Education Society, for the promotion of Education, and, have raised from time

Preamble

time to time, by private contributions, large sums of money, exceeding Four Thousand Pounds, which they have expended in the purchase of a Farm and Tract of Land, at Horton, in King's County, and the erection of valuable and expensive buildings thereon, and the establishment and support of an Academy. *And whereas*, the said Society has been aided by Legislative grants of Money, and they are desirous of obtaining further assistance from the Legislature, by the passing of an Act of Incorporation, for enabling them to hold their Property and manage their affairs with greater ease and convenience. *And whereas*, the said Society is supported by a large portion of the Inhabitants of this Province, and has, by great exertions and perseverance, and by very large pecuniary contributions and collections, as aforesaid, and the establishment of the said Academy, greatly advanced the interests of Education in this Province, and is deserving of encouragement; wherefore and because, the incorporation of the said Society may be beneficial in manner as aforesaid, it is proper to grant the said request:

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That Edward Manning, Charles Tupper, James Walton Nutting, William Allen Chipman, Zachariah Chipman, John Cunningham, Joseph Dimock, Theodore Harding, Major Chipman, Holmes Chipman, James Lent, William B. Kinnear, Thomas Pattingall, James R. Lovett, David Lynds, Edmund Albern Crawley, John Pryor, Simon Fitch, William Johnson, John Ferguson, William Chipman, Charles Twining, Samuel Bishop, James William Johnston, George Dimock, Richard McLearn, Joseph Crandall, James D. Harris, Ingram E. Bill, Samuel Bancroft, Harris Harding, Ebenezer F. Harding, Ezekiel Masters, Frederick W. Miles and Israel Potter, and all and every such other person and persons, as now are Members or Office Bearers of, or in the said Society or Association, called the Nova-Scotia Baptist Education Society, and all and every such other person or persons, as hereafter shall or may become Members or Office Bearers of, or in the said Society or Association, and their Successors, shall be and are hereby appointed, a Body, Politic and Corporate, in deed and name, by the name of "The Nova-Scotia Baptist Education Society," and by that name have succession forever, and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and in all Courts and places, and be able and capable in Law, to have, hold, purchase, get, receive, take, possess and enjoy, Lands, Houses, Tenements, Hereditaments and Rents, in fee simple, or otherwise; and also, Goods and Chattels, and all other things, real, personal and mixed, and also, to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute, all other things, in and about the same, as shall or may be thought necessary or proper; and also, shall have, from time to time and at all times, full power and authority, and license, to constitute, make and establish, such Bye Laws, Rules and Ordinances, as may be thought necessary for the rule and good government of the said Society, the establishing of the Officers proper for the management of its affairs, and declaring the extent, duration and authority of the Offices and Officers of the said Society, and their mode of appointment, and generally for promoting the object of the Society. *Provided*, such Bye-Laws, Rules and Ordinances, be not contradictory or repugnant to the Laws or Statutes of this Province, or of those in force within the same, or to the provisions hereof; *and provided also*, that the said Society shall not hold, at any time, Lands, Tenements, Houses, Hereditaments and Rents, Goods, Chattels, Property or Effects, of greater value than Six Thousand Pounds.

II. *And be it further enacted*, That the said Land, Farm and Premises, at Horton, with the Buildings aforesaid thereon, shall be, and hereby are declared to be, vested in the said incorporated Society, in fee simple, subject nevertheless to such debts as have been incurred by the managing Committee of the said Society, and still remain due in and about the purchase of the said Land, the erection of the said Buildings, or other the business of the said Society.

III. *And be it further enacted*, That all persons paying an annual subscription of Twenty Shillings or upwards, or making at one time a donation of Ten Pounds or upwards to the Society, shall be entitled to be Members of the said Society; *Provided*, that such annual subscription or donation, be actually paid into the funds of the Society, and provided that no person now a Member of the said Society, or who hereafter may become a Member of the same, shall, at any time hereafter, continue a Member of the same, unless he shall have heretofore paid, or shall hereafter pay, at one time, into the funds of the said Society, a donation

Names of persons Incorporated

Name of Corporation

Not to hold Lands, &c. Goods, &c. of greater value than £6000

The Land, &c. at Horton to be vested in the Society

A subscription of 20s. and a donation of £10 entitles one to be a Member

nation of at least Ten Pounds, or shall hereafter annually, and from year to year, pay into the said funds the sum of Twenty Shillings or upwards; and if the annual subscription or payment of any such annual Member shall not be paid on the first day of May in each year, after the present year, such annual Member shall thereupon cease to be a Member of the said Society, until such annual subscription or payment shall be actually paid, or until such person shall otherwise become a Member of the said Society, under some Bye-Law or Rule thereof.

IV. *And be it further enacted,* That the said Society shall continue to be governed and its affairs managed, by a President, two Vice Presidents, two Secretaries, and a Treasurer, a Board of Directors, and a managing Committee, to be henceforth called the Executive Committee and such other Officers as the said Society may from time to time think proper; *Provided,* that nothing herein contained shall make it necessary after the passing of this Act, or in consequence thereof, to re-appoint any of the persons now filling the said Offices; or any of them.

V. *And provided, and be it further enacted,* That Edward Manning, now the President of the said Society, shall, after the passing of this Act, be the President of the said Society; and Charles Tupper and James Walton Nutting, now the Vice Presidents of the said Society, shall, after the passing of this Act, be the Vice Presidents of the said Society; and William Chipman, now one of the Secretaries of the said Society, shall, after the passing of this Act, be a Secretary of the said Society; and William Allen Chipman, John Cunningham, Edward Manning, Charles Tupper, Joseph Dimock, Theodore Harding, Major Chipman, Holmes Chipman, James Lent, William B. Kinnear, Thomas Pettingall, Zachariah Chipman, James R. Lovett, David Lynds, Edmund Albern Crawley, John Pryor, Simon Fitch, John Ferguson, William Chipman, Charles Twining, James Walton Nutting, Samuel Bishop, James William Johnston, George Dimock, Richard McLean, Joseph Crandall, James D. Harris, William Johnston, Ingram E. Bill, Samuel Bancroft, Harris Harding, Ebenezer F. Harding, Ezekiel Masters, Frederick W. Miles and Israel Potter, now the Directors of the said Society, shall, after the passing of this Act, be the Directors of the said Society; and James William Johnston, James Walton Nutting, William Chipman, Simon Fitch, William Johnston, Edmund Albern Crawley, John Pryor, Richard McLearn, Ingram E. Bill and Charles Tupper, now the managing Committee of the said Society, shall, after the passing of this Act, be the Executive Committee of the said Incorporated Society.

VI. *And be it further enacted,* That all persons, without regard to religious denomination or difference of religious sentiments, may be, and at any time hereafter become, a Member of the said Incorporated Society, being in all other respects entitled to be, and become, a Member of the said Society, and now, and at any time hereafter, may hold any of the said offices and appointments, or any other offices or appointments, in the said Incorporated Society, being duly elected and appointed thereto, any thing contained herein, or in any rules, regulations or Bye-laws, of the said Society, to the contrary in any wise notwithstanding.

VII. *And be it further enacted,* That the said Society, incorporated as aforesaid, shall have power, from time to time, hereafter to appoint the President, Vice Presidents, and Directors, at some General Meeting of the said Society, by a majority of the Members present, thereat, and all appointments of President, Vice Presidents and Directors, to be hereafter made, shall be made at some General Meeting, by a majority of the Members of the of the Society present, according to such regulations concerning such appointments as may hereinafter be enacted, or as may hereafter by any Bye-Law of the said Society to be made by virtue hereof, be appointed.

VIII. *And be it further enacted,* That the Directors of the said Incorporated Society, shall form a Board of Directors, and shall have power at some meeting of the said Board, from time to time, to be held by a majority of the Directors present at any such Meeting, to appoint Members of the Executive Committee, and all appointments of Members of the said Executive Committee, to be hereafter made, shall be made at some Meeting of the said Board, by a majority of the Directors present thereat, according to such regulations concerning the Meetings of the said Board, and the appointments of Members of the Executive Committee to be made thereat, as may hereinafter be enacted, or as may hereafter be appointed and made by any Bye-Law or Bye-Laws of the said Society, to be made by virtue thereof.

A President:
two Vice-
Presidents,
two Secreta-
ries and a
Treasurer, a
Board of Di-
rectors and a
managing
Committee

Edward Man-
ning to be Pre-
sident

Charles Tupper and James
Walton Nutting Vice-Pre-
sident

William Chip-
man a Secre-
tary

William Allen
Chipman and
others to be
Executive
Committee

Persons with-
out regard to
Religious De-
nomination
may hold any
Office in the
Corporation

Corporation
shall have
power to ap-
point the Pre-
sident, Vice-
President and
Directors at a
General Meet-
ing

The Directors
to appoint
Members of
the Executive
Committee

Treasurer and Secretary

IX. *And be it further enacted*, That the Treasurer and Secretaries of the said Society, and such other Officers as may hereafter be required for the management of its affairs, shall be appointed in such manner as shall be declared by the Bye-Laws and Rules of the said Society, to be passed by virtue of this Act.

Duty of Directors

X. *And be it further enacted*, That it shall be the duty of the Board of Directors, from time to time, as occasion may require, to consult on the affairs of the Society, to examine and ascertain the state of the said Academy, and of the Lands and Buildings of the Society, and the management thereof, examine and review the proceedings and rules of the said Committee, and generally to oversee the affairs of the Society, and exercise supervision thereof, and when, and so often as, occasion may require, to make report on any of the said matters, or any other, affecting the interest of the Society to the annual Meeting of the Society.

Duty of the Executive Committee.

XI. *And be it further enacted*, That it shall be the duty of the Executive Committee to appoint all Teachers and Instructors required at the Academy, or in the employment of the Society, to appoint the Steward and all Officers and Servants required on behalf of the Society, for the management of the said Academy, to make suitable disposition of the said Farm, and other property of the Society, superintend the Buildings thereon, and keep them in repair, to collect, receive, and expend the Funds of the Society, and generally to manage and conduct all the business and concerns of the Society, in such manner as may be needful and proper, or as may be directed by the Bye-Laws of the Society; *Provided*, that the said Executive Committee shall be always subject to the supervision of the Board of Directors herein provided, and shall be bound, and are hereby required, annually, to account to the Society for all their acts, receipts, expenditures and doings whatsoever, in their said Office.

Annual Report to be made by Directors and Executive Committee

XII. *And be it further enacted*, That a Report shall annually be made to the Society of the proceedings of the Board of Directors and Executive Committee, and of the progress and state of the said Academy, and of the Receipts and Expenditures, and state of the Funds and accounts of the Society, and of its affairs generally.

General Meeting

XIII. *And be it further enacted*, That a General Meeting of the said Society shall be held once in every year, and as much oftener as may be directed by any Rule or Bye-Law of the said Society, and the Executive Committee aforesaid or a majority of them, shall have power to call a General Meeting of the said Society at any time, and as often as they may see just occasion, at such places, times, and in such manner as shall and may be regulated by the Rules and Bye-Laws of the said Society.

Meeting of Directors and Executive Committee

XIV. *And be it further enacted*, That the Board of Directors, and Executive Committee of the said Society, shall meet, and assemble, as often as there may be occasion, or as may be required and appointed by the Rules and Bye-Laws of the said Society.

XV. *Provided always, and be it further enacted*, That the appointments named in this Act shall not by reason of any thing herein contained be deemed permanent, but shall be subject as to their duration, and in all other respects to any Resolutions of the Society at any General Meeting, and to the Bye-Laws and Rules which may from time to time be passed by virtue of this Act, in the same manner as any other or future appointment to the same, or any other Officers of the said Society, are, or may be subject, any thing herein contained, to the contrary, notwithstanding.

CAP. XXX.

An Act to provide for an additional Term of the Supreme Court in the County of Digby, and to alter the time of the holding of the Supreme Court at Yarmouth.

(Passed the 30th Day of March, 1839.)

Preamble

WHEREAS, the Inhabitants of the County of Digby are desirous of having two Terms of the Supreme Court in that County, in the year :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, hereafter there shall be had and held an additional Term or Sitting of the Supreme Court, at Digby, in

in the County of Digby, to commence on the third Tuesday of June, in each and every year, in the manner, and according to the provisions prescribed by the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, in the several Counties and Districts of this Province.

Additional Sitting of Supreme Court to be held at Digby third Tuesday of June

II. *And be it further enacted,* That all Writs, Recognizances, Papers and Process, whatsoever, now made, or that, before the third Tuesday of June next, shall or may be made returnable to the Supreme Court at Digby, in the next September Term of the Supreme Court there, shall be, and be deemed and construed to be returnable, and be returned at the said June Term of the Supreme Court to be held there, pursuant to this Act; and all parties, witnesses, and other persons summoned or noticed, or bound to appear, at the Supreme Court at Digby, in September next, shall be held liable and bound to appear at the said Sitting of the said Supreme Court at Digby, in June next, and in default thereof, shall be subject and liable to the same liabilities, orders, rules and provisions, as if they had not appeared at the same September Term there, and the Grand and Petit Juries and Jurors, now drawn for said September Term, shall be, and be held liable and bound to attend at the said June Term of the said Supreme Court there, and shall be respectively summoned for that purpose, and shall have all and the like powers and authority, and be subject and liable to the same duties and penalties, for non-attendance, and otherwise, respectively, as other Grand and Petit Juries and Jurors, have or are subject or liable to by Law, in this Province.

Return of Writs, &c.

Witnesses bound to appear

Grand and Petit Jurors

III. *And be it further enacted,* That the Term of the Supreme Court, now held at Yarmouth, in the County of Yarmouth, on the third Tuesday of June, shall hereafter be commenced, had and held, at Yarmouth aforesaid, on the fourth Tuesday of June, in each and every year, instead of the said third Tuesday of June.

Supreme Court to be held at Yarmouth fourth Tuesday of June

IV. *And be it further enacted,* That all Writs, Recognizances, Papers, and Process whatsoever, now made, or that before the third Tuesday of June next, shall or may be made returnable to, at or into the Supreme Court at Yarmouth, on the third Tuesday of June next, or at any time in the Term of June, commencing on that day, shall be, and be deemed, and construed to be returnable and returned, into the said Supreme Court there, on the fourth Tuesday of June next, and all parties, witnesses and other persons, summoned, noticed or bound, or liable to appear at the said Supreme Court at Yarmouth, on the said third Tuesday of June next, or at any time during the Term then to have commenced, shall be held liable and bound to appear at the said Sitting of the Supreme Court there, on the fourth Tuesday of June next, and in default thereof shall be subject and liable to the same and the like liabilities, orders, rules and provisions, as if they had not appeared in the said Supreme Court at Yarmouth, on the said third Tuesday of June next, or during the holding of the said Supreme Court, to have been then had at that time; and the Grand and Petit Juries and Jurors, now drawn for the said Supreme Court at Yarmouth, on the said third Tuesday of June next, shall be respectively liable and bound to attend at the Sitting of the Supreme Court there, on the fourth Tuesday of June next, as provided by this Act, and shall be respectively summoned for that purpose, and shall have all and the like powers and authority, and be subject and liable to the same duties and penalties for non-attendance, and otherwise respectively, as other Grand and Petit Juries and Jurors have, or are subject or liable to, by Law, within this Province.

Return of witnesses, &c.

Grand and Petit Jurors

CAP. XXXI.

An Act for regulating the Trials of Controverted Elections, or Returns of Members to serve in General Assembly.

(Passed the 30th Day of March, 1839.)

WHEREAS, the provisions of the present Act have been found, in many respects, injurious and defective:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Act, passed in the first and second year of the reign of His late Majesty King George the Fourth

1 & 2 George IV. repealed

Fourth

Fourth, entitled, An Act to regulate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly of this Province &c. and the same is hereby repealed.

When Petition presented against an undue Election a day to be appointed for taking the same into consideration

II. *And be it enacted*, That, after the end of the present Session of Assembly, whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in the House of Assembly, shall be presented to the House, a day and hour shall be appointed by the House for taking the same into consideration, and notice in writing shall be forthwith given by the Speaker to the Petitioners, and the sitting Member or their respective Agents accompanied with an order to them to attend the House at the time appointed by themselves, their Counsel or Agents; and if, at the time appointed, the Petitioners, or some one or more of them, shall not appear by himself or themselves, or by his or their Counsel or Agents, the order for taking such Petition into consideration shall thereupon be discharged, and such Petition shall not be any further proceeded in.

Petitioner to enter into a recognizance for the payment of costs and expenses

III. *And be it enacted*, That no proceeding shall be had on any such Petition, unless the Petitioners or some one of them shall, at or before the time appointed as aforesaid, personally enter into a recognizance to our Sovereign Lady the Queen, with sufficient Sureties, in the sum of Two Hundred Pounds, for the payment of all such costs, expenses and fees, as may become due and payable by such Petitioners, or any of them, under any Report of the Committee to be drawn as hereinafter mentioned; and which said recognizance, in case of non-payment, shall be estreated in due course of Law, for the benefit of the Parties entitled to such costs, expenses and fees, under such Report.

If Sitting Member shall die or be appointed to the Legislative Council or shall not defend his return, notice to be given to the Sheriff

IV. *And be it enacted*, That, if at any time before the day appointed as aforesaid, the sitting Member whose return is complained of, shall happen to die, or shall be appointed and accept the office of Legislative Councillor, or shall declare his intention, under his hand, not to defend such his return, in every such case, notice in writing shall be given by the Speaker to the Sheriff of the County where the Election was had, and also in two of the public Newspapers, so that any one or more of the Freeholders of the County or Township for which such Member was returned, may Petition the House to be admitted as Parties in the room of such Member; and such person or persons shall thereupon be so admitted as Parties, and be considered as such, to all intents and purposes whatever.

Members to be sent for

V. *And be it enacted*, That, at the time appointed for taking such Petition into consideration, and previous to the reading of the Order of the Day for that purpose, the Sergeant at Arms shall be directed to go to the places adjacent, and require the immediate attendance of the Members on the business of the House; and that after his return the House shall be counted, if there be less than thirty-three Members present, the Order for taking such Petition into consideration, shall be immediately adjourned to a particular hour on the following day, (Sunday, Christmas Day and Good Friday, always excepted), and on the following day the House shall proceed in the same manner, and so from day to day, till there be an attendance of thirty-three Members at the reading of the Order of the Day to take such Petition into consideration.

Thirty-three Members to be present

Petitioners, their Counsel or Agents and the Counsel or Agents of Sitting Member ordered to attend

VI. *And be it enacted*, That, if after summoning the Members and counting the House as aforesaid, thirty-three Members shall be found to be present, the Petitioners, their Counsel or Agents, and the Counsel or Agents of the sitting Member, when their shall be a sitting Member, shall be ordered to attend at the Bar, and then the door of the House shall be locked, and no Member shall be suffered to enter into, or depart from, the House, until the Petitioners, their Counsel or Agents, and the Counsel or Agent for the sitting Member, when their shall be a sitting Member, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked as aforesaid, the Order of the Day shall be read, and the names of all the Members of the House written on distinct pieces of paper, being as near as may be of equal size, and rolled up in the same manner, shall be equally divided and put into several boxes, to be placed on the Table for that purpose, and shall be then shaken together, and then the Clerk shall publicly draw out of the said two boxes alternately, the said pieces of paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until fifteen names of the Members then present, be drawn. *Provided always*, that if the name of any Member who shall have given his vote at the Election so complained of as aforesaid, or against whose return a Petition shall be then depending shall be drawn, his name shall be set aside.

Names of Fifteen Members to be drawn by the Clerk

VII. *And be it enacted,* That if any Member shall offer and verify under oath, any excuse, the substance of the allegation, so verified upon oath, shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the opinion of the House shall be taken thereon; and if the House shall resolve that the said Member is unable to serve, or cannot, without great and manifest detriment, serve in such Select Committee, he shall be excused from such service; and if the name of any Member then serving on one such Select Committee, be drawn, he shall be excused from serving on such second Committee; and instead of the Members so set aside and excused, the names of other Members shall be drawn, who may, in like manner, be set aside and excused, and others drawn to supply their place, until the whole number of fifteen Members, not liable to be set aside or excused, shall be complete.

Any excuse to be verified under oath

Sol 3.107

If Member serving on one Committee he shall be excused from serving on a second Committee

VIII. *And be it enacted,* That as soon as the said fifteen Members shall have been so chosen by lot, the door of the House shall be opened, and the House may proceed upon any other business; and Lists of the fifteen Members, so chosen by lot, shall be given to the Petitioners, their Counsel or Agents, and the sitting Member or any party who may have been admitted to defend the return, his or their Counsel or Agents, who shall immediately withdraw, together with the Clerk or his Assistant; and the said Petitioners and sitting Member, or any party who may have been admitted to defend the return, their Counsel or Agents, beginning on the part of the Petitioners, shall alternately strike off one of the fifteen Members, until the said number shall have been reduced to seven; and the said Clerk or his Assistant, within one hour at farthest, from the time of the Parties so withdrawing from the House, shall deliver into the House, the names of the seven Members then remaining, and the said seven Members shall be sworn at the Table, well and truly to try the matter of the Petition referred to them, and a true Judgment to give according to the evidence, and shall be a Select Committee to try and determine the merits of the Return or Election appointed by the House to be that day taken into consideration; and the House shall order the said Select Committee to meet at a certain time to be fixed by the House, and the place of their meeting shall be some one of the Committee Rooms of the said House, properly prepared for that purpose—which said Select Committee shall sit every day, (Sunday, Christmas Day and Good Friday, excepted), and shall not adjourn for a longer period than twenty-four hours, without leave obtained from the House, upon special cause assigned for such longer adjournment.

Lists of the 15 Members to be given to Petitioner and sitting Member

The seven Members to be sworn

Shall not adjourn longer than 24 hours without leave

IX. *And be it enacted,* That, if at the time appointed for taking any Petition complaining of an undue Election or Return into consideration, the sitting Member or other Party admitted to oppose the Petition, shall not appear by himself or themselves, or his or their Counsel or Agents, or if at the time so appointed as aforesaid, there shall be no party opposing such Petition, the House shall proceed to appoint a Select Committee to try the merits of such Petition in the following manner, that is to say—the names of fifteen Members shall be drawn in the manner hereinbefore prescribed; but in reducing the Lists of Names to seven, the place of the Party opposing the Petition shall be supplied by the Clerk or Assistant Clerk of the House, who shall, as often as it shall come to his turn, as supplying the place of such party, strike out that name which shall then be first on the said List; and the same method of reducing the number drawn to seven shall be followed whenever any Party shall waive his right of striking off names from the said List.

If sitting Member shall not appear at the time appointed the House shall proceed to appoint Select Committee

X. *And be it enacted,* That the said Select Committee shall, on their meeting, select a Chairman; and if in such Election there be an equal number of voices, the Member whose name was first drawn in the House, shall have a casting voice, so likewise in case there should ever be occasion to elect a new Chairman on the death or necessary absence of the Chairman first elected.

Committee shall select a Chairman

XI. *And be it enacted,* That the said Committee shall have power to send for persons, papers and records, and shall examine all witnesses who may come before them on Oath, and shall receive and consider all evidence and proceedings that may have been duly had on any scrutiny of votes, and be referred to them by the House, and shall admit any evidence in addition thereto which shall be sworn to be material and in their judgment ought to be received, and shall try the merits of the Election, and shall determine by a majority of voices of such Select Committee whether the Petitioners or the Sitting Member, or either of them, be duly returned or elected, or whether the Election be void, or whether a new writ ought

Committee have power to send for persons, papers and records, and shall examine witness on oath

to issue, which determination shall be final between the parties to all intents and purposes, and the House on being informed thereof by the Chairman of such Select Committee, shall order the same to be entered on their Journals, and give the necessary directions for confirming or altering the return, or for ordering a return to be made, or for issuing a new writ for a new Election, or for carrying the said determination into execution, as the case may be.

Committee may report any Resolution other than determination above mentioned

XII. *And be it enacted,* That if any such Committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the House for their opinion, at the same time that the Chairman of such Select Committee shall inform the House of such determination, and the House may confirm or disagree with such resolution, and make such orders thereon as to them shall seem proper.

No Member of Committee shall absent himself without leave

XIII. *And be it enacted,* That no Member of the said Committee shall be allowed to absent himself from the same without leave obtained from the House, and that the Chairman of the said Select Committee shall always report the name of every Member thereof who shall so absent himself without such leave as aforesaid, who shall for such neglect of his duty be punished or censured at the discretion of the House, and such Committee shall in no case proceed unless five at least of its Members are assembled.

If Committee reduced to less than 5, and shall so continue for 3 days, to be dissolved

XIV. *And be it enacted,* That in case the Members of the said Committee shall, by death or otherwise, be unavoidably reduced to less than five, and shall so continue for the space of three days, the said Select Committee shall be dissolved, and another chosen in manner aforesaid.

Person disobey summons, or witness prevaricate, Chairman to report

XV. *And be it enacted,* That if any person summoned by the said Committee shall disobey such summons, or if any witness before such Committee shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, the Chairman of the said Select Committee may, at any time by their direction, report the same to the House, for the interposition of their authority or censure, as the case may require.

Whenever the Committee deliberate the room to be cleared

XVI. *And be it enacted,* That whenever the said Committee shall think it necessary to deliberate among themselves on any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of any Petition referred to them as aforesaid, as soon as the said Select Committee shall have heard the evidence and Counsel on both sides relative thereunto, the room or place where they sit shall be cleared if they shall think proper, while the Members of the said Committee consider thereof; and all such questions, as well as such determination, and all other resolutions, shall be settled by a majority voices, and if the voices shall be equal, including the voice of such Chairman, the Chairman shall have the casting vote.

Oaths to be taken in the House to be administered by the Clerk, Oaths to be taken before Committee by Chairman

XVII. *And be it enacted,* That the Oaths by this Act directed to be taken in the House shall be administered by the Clerk or his Assistant, and that the said Oaths by this Act directed to be taken before the said Committee shall be administered by the Chairman of the Committee, and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House or the said Committee, in consequence of the Oath which they shall have taken by the direction of this Act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

Committee shall not be dissolved by prorogation of Assembly

XVIII. *And be it enacted,* That whenever it shall happen that the General Assembly shall be prorogued while any Committee appointed under the authority of this Act shall be sitting, for the trial of any such Petition as aforesaid, and before they shall have reported to the House their determination thereon, such Committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve o'clock on the fourth day following that on which the Assembly shall meet again for the dispatch of business, (Sundays, Good Friday and Christmas Day, always excepted); and all former proceedings of such Committee shall remain and continue to be of the same force and effect as if the Assembly had not been prorogued; and such Committee shall meet on the day and hour to which it shall be so adjourned; and shall thenceforward continue to sit from day to day in the manner hereinbefore prescribed, until they shall have reported to the House their determination on the merits of such Petition.

Committee shall report whether the

XIX. *And be it enacted,* That every such Committee, at the time they report to the House their final determination on the merits of the Petition which they were sworn to try, shall also report to the House whether such Petition did or did not appear to them to be frivolous

frivolous or vexatious, and that whenever any such Committee shall report to the House with respect to any such Petition, that the same appeared to them to be frivolous or vexatious, the parties who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the persons, or any of them, who shall have signed such Petition, the full costs and expences which such parties shall have incurred in opposing the same, such costs and expences to be ascertained in the manner hereinafter directed.

Petition appear frivolous or vexatious

XX. *And be it enacted,* That whenever such Committee shall report to the House with respect to the opposition made to such Petition by any parties who shall have appeared before them, that such opposition appeared to be frivolous or vexatious, the persons who shall have signed such Petition shall be entitled to recover from such parties, or any of them, with respect to whom such report shall be made, the full costs and expenses which such Petitioners shall respectively have incurred in prosecuting their Petition, such costs and expenses to be ascertained in the manner hereinafter directed.

If Committee report that opposition to such Petition be frivolous or vexatious, Petitioner entitled to recover full cost and expenses

XXI. *And be it enacted,* That the costs and expenses of prosecuting or opposing any such Petition shall be ascertained in manner following, that is to say : on application to the Speaker of the House by the Petitioners or party opposing the same, and in whose favor such report as aforesaid shall have been made, the Speaker shall direct such costs and expenses, (including witnesses' and all other Fees,) to be taxed by the Clerk of the House and one of the Masters of the Court of Chancery in this Province, who shall examine the same, and report the amount thereof to the Speaker of the House, who, if the said costs shall be approved of by the House, shall, on application made to him, deliver to the parties a Certificate, signed by himself, expressing the amount of the costs and expenses allowed in such report, and the persons so appointed to tax such costs and report the amount thereof, are hereby authorized to demand and receive for such taxation and report such Fees as shall from time to time be fixed by any resolution of the House.

Costs and expenses to be ascertained

The Speaker shall direct them to be taxed by the Clerk of the House and one of the Masters of Chancery

XXII. *And be it enacted,* That it shall and may be lawful for the parties entitled to such costs and expenses, or for their Executors or Administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons who are respectively made liable to the payment thereof in the several cases hereinbefore mentioned ; and in case of non-payment thereof, to recover the same by action of debt in Her Majesty's Supreme Court of Judicature, in which action it shall be sufficient for the Plaintiffs to declare that the Defendants are indebted to them in the sum to which the costs and expenses ascertained in manner aforesaid, shall amount by virtue of this Act, and the Certificate of such amount so signed as aforesaid by the Speaker, shall have the force and effect of a warrant to confess judgment ; and the said Supreme Court shall, upon motion and on the production of such Certificate, enter up judgment in favour of the Plaintiffs named in such Certificate, for the sum specified therein to be due from the Defendants, in like manner as if such Defendants had signed a warrant to confess judgment in the said action to that amount.

The costs and expenses to be recovered by action of debt

The certificate of the Speaker shall have the force and effect of a warrant to confess judgment

Persons paying such costs and expenses may recover from other persons liable therefore a proportionable share thereof

XXIII. *And be it further enacted,* That in every case where the amount of such costs and expenses shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in like manner from the other persons, or any of them, (if such there shall be,) who are liable to the payment of the same costs and expenses, a proportionable share thereof, according to the number of persons so liable.

XXIV. *And be it enacted,* That the words "Petitioners," "Parties," "Plaintiffs" and "Defendants," in this Act, shall include one Petitioner, Party, Plaintiff or Defendant, and that the words "Sitting Member," shall include more than one Sitting Member when necessary.

Construction of certain words used in this Act

CAP. XXXII.

An Act to provide for the selection and appointment of Trustees of Lands, granted, reserved, or otherwise allotted, as School Lands, or for Schools in this Province.

(Passed the 30th Day of March, 1839.)

WHEREAS, in many Grants of Land in this Province, parcels or lots of Land have been granted, or are reserved or set apart for Schools, or as School Lands, or

Preamble

School

School Lots, but no mode of appointing Trustees for the management of such Lands, or of making the same available, for the purpose for which they were intended, has yet been adopted :

Meeting to be called by the Town Clerk

1. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That at any meeting of the Freeholders residing in any Township or District within which now or hereafter any such Lands may be situated, to be called by the Town Clerk, or if no Town Clerk is appointed, or acting for such Township or District, then by the Sheriff or his Deputy, (which the said Town Clerk, Sheriff or Deputy, shall be bound to do upon the written requisition of any ten of such Freeholders, and of which Meetings public notice for at least ten days, shall be previously given by said Town Clerk, Sheriff, or his Deputy, by posting up Advertisements at the several places of Public Worship, and other the most public places in such Township or District, it shall and may be lawful for such Freeholders or a majority of them, who may be present at such meeting, to nominate six fit and proper persons, being Freeholders in such Township or District, whose names shall be forthwith certified to the Secretary of the Province, by the said Town Clerk, Sheriff, or his Deputy, presiding on such occasion, and thereupon it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three of the persons so nominated and certified as aforesaid, to be Trustees of the School Lands in such Township or District, and upon any vacancy from time to time, happening in such trust, the same shall be supplied in like manner by the nomination, at some such Public meeting, of two persons whose names being certified as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to select and appoint one of the said two persons in manner as aforesaid, to supply the said vacancy, so that the number of Trustees shall always be three, in and for any such Township or District.

Notice

Freeholders to nominate six persons

Of whom Governor to appoint three to be Trustees of School Lands

Number of Trustees always to be three

Trustees to take possession of Lands, &c. to improve and lease the same

Application of rents, &c.

Trustees to sue, &c.

Trustees to account to the General Sessions of the Peace

Not to extend to invalidate any lease herebefore made, but the rent to be paid to Trustees hereafter

II. *And be it further enacted,* That the said Trustees for each and every of such Townships or Districts for which they shall be respectively appointed, in manner aforesaid, shall, and they are hereby empowered to enter into and upon, and to take possession of, all such Lands, in or by any grant or grants, reserved, granted, or set apart for Schools, or for the use of Schools, or as the School Lot, or as School Lands, and to improve the same, and to Lease the same for any term not exceeding Twenty-one years, to the best advantage, and to pay and apply the rents and profits of any such Lands, in the Education of Poor Children, or otherwise, to and for the use and benefit of Schools in such Township or District, and for and in respect of such School Lands, to sue and be sued, and to have, commence, prosecute, sue and defend, any action or suit at Law, or in Equity, by the name or title of the Trustees of School Lands, in and for the Township or place for which they may be respectively appointed, in manner aforesaid, or in their own individual names, as if the said Trustees were the real and true owners of such Lands so reserved, granted, or set apart as aforesaid.

III. *And be it further enacted,* That the said Trustees shall account to the General Sessions of the Peace for the County wherein the Lands they hold in trust may be for all monies which may be received and paid by them in the execution of such trust, and for all things done by them therein, at least once in each year.

IV. *Provided always, and be it declared and enacted,* That nothing in this Act contained shall extend or be construed to extend, to invalidate any Lease or Leases of any of the said School Lands, which may have been legally executed, but the Tenants shall respectively have, hold and occupy, the said School Lands and every of them, under the said Leases so legally executed as aforesaid, during their respective terms, as if this Act had not been made subject to the terms and provisoes of the said Lease or Leases; *and provided further,* that the said Tenant or Tenants shall be liable to pay their Rents reserved under the said Lease or Leases, to the Trustees to be appointed under this Act, who shall and they are hereby empowered in their own name or names, or otherwise, to sue or distrain for the said Rents, or to enforce the performance of the said covenants and provisoes.

Her Majesty's assent required

V. *And be it further enacted,* That nothing herein contained, shall take effect until Her Majesty's pleasure thereon be signified.

CAP. XXXIII.

An Act for settling Titles in a certain Tract of Land in Cape Breton, called the Mire Grant.

(Passed the 30th Day of March, 1839.)

WHEREAS, in the year of our Lord One Thousand Seven Hundred and Eighty-seven, Joseph Frederick Wallet DesBarres, Esquire, then Governor of the Island of Cape-Breton, the said Island being at that time a separate and independent Colony, did, by certain Letters Patent, grant a certain Tract of Land in the said Island, containing One Hundred Thousand Acres, to One Hundred Grantees, on certain conditions, for the improvement and settlement thereof, and of payment of rent at certain times, and of bearing allegiance to the Sovereign of Great-Britain; and upon breach of such conditions, the said Letters Patent were to become void, as in and by the said Letters Patent, which are recorded in the Registry of the former Government of Cape-Breton, in Book A, pages Two Hundred and Six, Two Hundred and Seven, and Two Hundred and Eight, will, on reference thereto fully and at large appear. *And whereas*, the conditions contained in the said Letters Patent were not complied with, nor was any Ownership exercised by the said Grantees over the said Tract of Land; and, in the year of Our Lord One Thousand Eight Hundred and One, certain of the said Grantees who were resident in the said Island, being convinced of the impossibility of effecting a division of said Tract, unanimously prayed the Government then existing in said Island to cause the said Grant to be repealed, and the said Tract of One Hundred Thousand Acres to be escheated, so that the Grantees thereof might obtain separate Grants of their original Shares, and thereupon such proceedings were had before the then Governor, Lieutenant-General Despard, and the Council of said Island—that upon the finding of a Jury, empanelled to enquire whether the conditions of the said Letters Patent had been complied with, it was adjudged that the said Tract of Land was liable to forfeiture, and was escheated. *And whereas*, it is doubted whether said Escheat was legal, and whether certain Grants of portions of the said Tract of Land subsequently passed, founded upon the said Escheat, and passed by the Government of the said Island, convey any legal Titles to the Grantees thereof. *And whereas*, upwards of One Thousand Three Hundred Persons are settled on said Tract of Land, and now claim to own Fifty-five Thousand and Ninety acres of said Tract, of which Three Thousand and Sixty-four Acres are cultivated; and there are thereon, built and erected, nearly Six Thousand Houses and Barns; and the said Settlers on the said Tract, have now thereon, Two Thousand Two Hundred and Three Heads of Neat Cattle. *And whereas*, from the situation of the said Tract of Land, and the uncertainty attending the Title and Ownership thereof, the neglect of the Grantees and other causes, it has become of great importance to the Settlers, and actual Occupants of different parts thereof, that the claims of all Parties interested in the said Tract should be fully investigated, and that some measure should be adopted for rendering justice to all persons occupying or claiming Title to the said Tract of Land, or any part thereof, with a due regard to their respective rights and equities. *And whereas*, His Excellency the Lieutenant-Governor, desirous of the adjustment, upon equitable principles, of the claims of the several parties occupying or claiming Title to portions of the said Tract, has agreed to grant and convey, upon just and proper forms and conditions, the Lands cultivated, held and occupied, or justly and properly claimed, as herein before stated, so that all persons actually settled on the said Lands may be firmly and certainly established, under legal Titles, in their just portions of the same, and that the remainder of the said Tract may be placed in a situation for legal and useful settlement and cultivation, and tranquility be thereby established, and litigation and confusion avoided:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all Grants as well the original Letters Patent hereinbefore mentioned, as all subsequent Grants thereafter made, of the said Tract of Land, containing One Hundred Thousand Acres, commonly called and known as the Mire Grant, of any part or portion thereof, and passed or made under the former Great Seal of the Island of Cape-Breton, or by, or in the name of any existing Government thereof, or being, or purporting to be, Grants from the Crown, of the said Tract

Preamble

Grants cancelled

Tract of Land, or of any part or portion thereof, shall be, and the same are hereby respectively declared absolutely void, and the title of and in the said Tract of Land, and every part thereof, from and after the passing of this Act, shall be and become, and is hereby declared to be, vested in Her Majesty, Her Heirs and Successors, all or any Grant or Grants, conveyance or conveyances, acts, matters, or proceedings whatsoever, to the contrary notwithstanding.

Appointment
of Commis-
sioners for de-
termining
claims

III. *And be it further enacted*, That for the settlement and adjustment of the claims and rights of the several Settlers, Occupants, Grantees, and other parties interested or concerned in the said Tract of Land, or any part or portion thereof, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate, appoint and commission, three fit and proper persons, not being interested in the said Tract of Land, to be Commissioners for adjusting the title, claims, rights and equities, of the several parties, grantees, settlers, occupants, or others claiming any estate and interest in the said Tract of Land, or any part thereof.

Opening of
commission—
investigation of
claims

IV. *And be it further enacted*, That such Commissioners, when so appointed and commissioned, shall be called the Commissioners of the Mirè Grant, and shall, at some fixed time and place, to be in some part of Cape-Breton aforesaid, and of which time and place there shall be given in the Royal Gazette, and one other Newspaper, at Halifax, at least three months notice, and also, the like notice by Placards or Handbills, posted in the Town of Sydney, and in such public place or places, at or near said Tract of Land, as may be most frequented by the settlers thereon, proceed to open their Commission, and to proceed thereon from time to time, and to investigate the facts and allegations made or to be made in respect to the rights and claims of every party, grantee, settler or other party, whose rights or claims may be submitted to the said Commissioners, and, upon and respecting such rights or claims, to receive evidence of any witness or witnesses, under Oath, which the said Commissioners are hereby empowered to administer, and such evidence shall, on each respective right or claim, be reduced to writing, and thereupon the said Commissioners shall, under their hands, return such evidence, with the recommendation of such decision upon the rights or claims of each party separately, as to the said Commissioners may appear equitable and just, to the Secretary of the Province, to be submitted to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive Council, by whom such proceedings shall be reviewed and considered, and the recommendation of the Commissioners approved, or such other decision adopted thereon as may be just and right; *Provided always*, that any person or persons desiring a copy from the said Commissioners of the evidence and recommendation upon, or touching any rights or claims of such person or persons, or wherein such person or persons may be interested, shall be furnished with the same, before such evidence and recommendation are returned to the Secretary of the Province, and every person desiring it shall be heard before the Governor, Lieutenant-Governor, or Commander in Chief, and the Executive Council, before any final decision had upon such claim.

Recommendations of
Commissioners

Copies of Re-
commendations
may be
furnished, and
Appeals a-
gainst deci-
sions heard be-
fore Governor
and Council

Legal ques-
tions may be
submitted to
Supreme
Court

V. *And be it further enacted*, That in any case when a question shall arise respecting the legal rights of any party or parties, and it shall be deemed necessary so to do, and in all cases in which any party interested shall demand it, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Council, by any order in Council, to order and direct that the evidence taken and returned by the said Commissioners, with the recommendation of said Commissioners, or a case stated therefrom, and to be by the said order in Council stated and settled, shall be submitted to Her Majesty's Supreme Court, at Halifax, to be there argued, and the decision of said Court certified thereon, as in cases sent from the Court of Chancery has been heretofore practised, and the judgment of the said Supreme Court, on all such legal rights, shall, in such case, be obligatory and carried into effect.

Lands may be
re-granted

VI. *And be it further enacted*, That upon the return of the said Commissioners being fully completed, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of the Executive Council, after a full consideration and a final decision had upon the respective claims and rights of each party, whether Settler, Occupant, grantee or other person, interested in the said Tract of Land, or any part thereof, and whether claiming under any former grant or grants, or by possession or otherwise,

wise,

wise, howsoever, to pass free grants, or grants upon condition, or upon the payment of any price that may be set thereon, to any and every person or persons whomsoever, according to their several and respective rights and claims, and of such quantity or quantities of Land, and in such place or places, Lots and portions, within the said Tract, as may be deemed and adjudged just, equitable and proper.

VII. *And be it further enacted*, That if any of the Commissioners so appointed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall, before the execution of such Commission, die or resign, or become incapable of acting in such commission, from sickness, absence from the Province, or any other cause whatsoever, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint any fit and proper person to supply any vacancy or vacancies occasioned as aforesaid, and every person so appointed shall have the like authority as if originally appointed and commissioned.

Vacancies occurring in the Commission

VIII. *And be it further enacted*, That upon any question or difference of opinion arising as to the admission or rejection of any evidence, or upon any other matter or proceeding before such Commissioners, such question shall be decided by the majority, and a minute of such question or difference of opinion, and the decision thereon, shall be returned by the said Commissioners, with the evidence, and their recommendation, as herein before directed, or by any two of them, if the other shall refuse to concur therein.

Differences of opinion among Commissioners

IX. *Provided always, and be it further enacted*, That all expenses, costs and charges, to be incurred in executing the said Commission, or under this Act, or in the execution thereof, shall be ultimately paid out of the proceeds of the Sales of any Lands mentioned in this Act, or out of the Sales of any Wilderness Crown Lands in Cape-Breton.

Expenses of Commission

X. *Provided always, and be it further enacted*, That nothing herein contained, shall extend, or be construed to extend, to alter, abridge, or in any manner affect the right, title or interest, possessory, or otherwise, of any person or persons, not having been actually present in some part of the Island of Cape-Breton, for three calendar months, in the whole, in the period that has elapsed between the first publication in the Royal Gazette, by order of the Legislative Council, of a certain Bill, entitled, An Act for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant, and the time of the passing of this Act, nor to alter, abridge, or in any manner affect the right, title or interest, possessory, or otherwise, of any person or persons, who shall signify to the said Commissioners, or some one of them, in writing, at least five days before they enter upon the execution of their commission, his, her, or their refusal to submit to the operation of this Act. *Provided also*, that nothing herein contained shall extend, or be construed to extend, to alter, abridge, or in any manner affect the right, title, or interest, possessory, or otherwise, of any person being Feme Covert, non compos mentis, imprisoned, under the age of twenty-one years, or absent beyond seas, unless, in the last case, such person shall have been actually present in some part of the Island of Cape-Breton, for the space of time, and under the circumstances, herein before mentioned.

Claims of absentees—Feme Coverts, &c.

XI. *And provided also, and be it further enacted*, That this Act shall not go into effect until Her Majesty's pleasure be signified thereon.

Act requires Her Majesty's assent

CAP. XXXIV.

An Act for the better protection of the Province, by providing an efficient Militia Force.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the first and second year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, except the twenty-seventh, thirty-second, eighty-third, and eighty-fourth Clauses or Sections of the said Act, and except

Act 1 and 2, Geo. IV. revived, (except 27, 32, 83 and 84 clauses)

so far as the same is or may be altered or amended by this Act, shall be, and the said Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby revived and continued, and declared to be in full force and effect for one year, and no longer.

Excuse for non-attending meeting for drill
Report of excuse to be made by Capt. to Commander of Battalion under penalty of £2 10s.

II. *And be it further enacted*, That when the Captain or Officer commanding any Company of Militia shall accept of an excuse offered by any man of the Company, for not attending any Company, Regimental Battalion, or other meeting or muster for training, or drill, he shall, if required by the Officer commanding the Regiment or Battalion to which such Company belongs, make a report to him in writing, of the nature of the excuse so offered and received by the said Captain or Officer commanding the said Company, and upon neglect or refusal to make such report, he shall forfeit and pay Two Pounds and Ten Shillings.

Field Officer, &c. neglecting to attend Board of Officers to forfeit £2 10s.

III. *And be it further enacted*, That if any Field Officer of any Regiment or Battalion, or Captain or Officer commanding any Company, shall neglect to attend any Board or Meeting of Officers, established and required by the Act hereby revived, continued and amended, or by this Act, when ordered by the Officer commanding the Regiment or Battalion to which such Officer may belong, without reasonable excuse, to be adjudged by the Board of Officers appointed under the said Act, or under this Act, he shall, for each offence, forfeit and pay the sum of Two Pounds Ten Shillings.

Bond relating to Arms to be lodged with the Officer commanding the Regiment

If Bond be lost a receipt be given upon the return of the Arms

IV. *And be it further enacted*, That all Bonds to be taken relating to the Arms of the Militia, under the said Act hereby revived, continued and amended, shall be lodged with, and kept by, the Officer commanding the Regiment or Battalion to which such Arms belong, instead of the Clerk of the Peace, as by the said Act directed; and in case any Bond for the return of Arms shall be lost or mislaid, it shall and may be lawful for the Officer commanding the Company to which such Militia man belonged, when the Arms were received by him, to give to such Militia man, upon his returning the said Arms, in proper order, a receipt for the same, which receipt shall cancel and discharge the said Bond, and in case any Militia man shall refuse to deliver up such Arms and Accoutrements as he may have received, upon the tender of such receipt made to him, he shall forfeit and pay the sum of Five Pounds.

Fine for refusing to perform Duty when appearing to be imposed by the Commander of the Regiment

V. *And be it further enacted*, That the fine to be imposed upon every enrolled Militia man appearing on Parade, who shall refuse or neglect to perform Militia duty, or shall depart from his Company, without leave from the commanding Officer of the Regiment, Battalion or Company, to which he shall belong, under the twenty-eighth Section of the said Act hereby revived, continued and amended, shall be imposed by the commanding Officer of the Regiment, Battalion, or Detachment thereof, then present on Parade, instead of by the commanding Officer of the Company, as enacted by the said Section.

Clerk's Book to be always ready for inspection by Officers

VI. *And be it further enacted*, That the Book mentioned in the second Clause or Section of the said Act hereby revived, continued and amended, and thereby directed to be kept by the Clerk of each Company of Militia, for the registry of the names of the men belonging to such Company, shall be ready at all times, as well for the inspection of the commanding Officer of the Regiment or Battalion to which such Company belongs, as for the inspection of the Commanding Officer, and other Officers of such Company.

Persons neglecting to enrol themselves liable to Fines and Forfeitures

VII. *And be it further enacted*, That in all cases hereafter, where any person liable by Law to be enrolled for Militia Duty, within any County, Town or Place, in this Province, shall neglect to enrol himself, or cause himself to be enrolled in some Company, agreeably to the said Act hereby revived, continued and amended, and shall be absent from any Militia muster or training, which such person ought to have attended, and had his name been enrolled, would have been summoned to attend, such person shall be liable not only to the fines and forfeitures by the said Act imposed on any person so neglecting to enrol or cause himself to be enrolled in some Company of Militia, but shall also, over and above such fines and forfeitures, be liable to all fines and forfeitures by the said Act or by this Act imposed on any Militia man for non-attendance at every Militia muster or training, from which such person may have been so absent as aforesaid, as if such person had received due notice of such muster or training.

VIII. *And be it further enacted*, That whenever it shall or may be necessary for any person or persons in going and returning to and from his or their place or places of abode, for
the

the purpose of attending any Militia muster or training, or any other Militia duty, to cross any Ferry, where there shall be a Licensed Ferryman, such person or persons shall be entitled to, and have, a passage across such Ferry, in the Boat or Boats there usually plying, free and exempt of and from all cost, charge or expense, whatsoever.

Militia men on Duty entitled to have a passage across a Licensed Ferry exempt from charge

And whereas, from the recent occurrences on the frontier of the Province of New-Brunswick, it has become necessary to provide for the embodying, and actual service, of a portion of the Militia, as emergency may require :

Preamble

IX. *Be it therefore enacted*, That at any time, and as often as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint and order any Colonel or Officer commanding any Regiment or Battalion of Militia, or Company of Artillery, or troop of Cavalry, formed or to be formed in this Province, to whom any order for that purpose shall be made, and transmitted by the Governor, Lieutenant-Governor or Commander in Chief for the time being; shall cause a full and accurate enrolment of such Regiment, Battalion, Troop or Company, to be prepared; and have the same divided into classes, and lists or rosters made of the men enrolled, as provided and enacted by the fifty-sixth and fifty-seventh Clauses or Sections of the said Act hereby revived; continued and amended.

Colonel of any Regiment of Militia if required by the Governor shall cause an enrolment of such Regiment to be prepared

X. *And be it further enacted*, That upon any emergency arising, whether from invasion or attack made or threatened upon this Province, or upon the Province of New-Brunswick, or upon danger of such invasion or attack upon this Province, or the Province of New-Brunswick, it shall be deemed necessary to call into actual service; and embody, any portion of the Militia of this Province, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to order and direct the Colonel or Officer commanding any Regiment or Battalion of such Militia, to furnish two hundred men for every six hundred men of the first class, or in the like proportion for any greater or less number of men of the first class of which such Regiment or Battalion shall or may be composed—such men to be furnished either from the drafts of such Regiment or Battalion, agreeably to the fifty-ninth section of the said Act hereby revived, continued and amended, or by such men of the first class who may volunteer from such Regiment or Battalion.

Upon any emergency from invasion of Province to direct the Commander of any Regiment of Militia to furnish 200 men for every 600 of which the Regiment is composed

XI. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to select and appoint from and out of the Regiment or Battalion to which the same may belong, as he shall judge necessary, a Captain or Captains and Subalterns, as Officers to command each draft or body of men so furnished; and also, to form any number of such Bodies furnished by several and different Regiments or Battalions, or any portions thereof which may be called out into one Regiment or Battalion for actual service, and to appoint from any such Regiment or Battalion, or otherwise, as he may deem fit, Field and Staff Officers, and an Adjutant for the same, and to order every body of men so furnished, or portion thereof, called out and required, into Barracks or Camp, and to adopt such measures to render the same efficient for actual service as he may deem necessary.

Gov. empowered to appoint Officers to command each Draft of men so furnished & to form the Drafts into Regiments or Battalions and to appoint Staff Officers

XII. *And be it further enacted*, That, when so called into actual service, all such bodies of Militia men, or portions thereof, so called, shall be subject and liable to the same penalties, and to all the regulations and enactments made in the said Act hereinbefore revived, continued and amended, for the government, control, and discipline of Militia, who might be called into actual or real service under the said Act.

Militia in actual Service to be subject to regulation and penalties

XIII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to order and direct such drafts to be made, and such bodies of men, or such portions thereof, to be furnished by such and so many Regiments and Battalions of Militia, and from time to time, or at one time, as he may judge meet and expedient.

Governor to order drafts to be made from so many Regiments as he may judge meet

XIV. *And be it further enacted*, That, upon calling out any body of Militia into actual service, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to direct the necessary measures to be adopted for ascertaining the ability and fitness of every man composing such body of Militia, to perform his duty on actual service, and if any man shall be found unable, from bodily incapacity, to perform his duty on actual service, such man shall be discharged, and the Officer commanding the Regiment or Battalion by which such man shall have been furnished, shall be directed to provide another

The ability & fitness of every man to perform his duty in actual service to be ascertained

If the man so discharged be a substitute another to be furnished, if not another to be drafted

another man in his place, if such man so discharged be a substitute, by directing the person for whom such man shall have been substituted to furnish another substitute, under the penalty by the said Act imposed, for neglecting or refusing to go into actual service, or find a substitute, or, if the man have been originally drafted from the Regiment or Battalion, to take another man from the draft of such Regiment or Battalion, being the next man standing for actual service in the Company from which the man so discharged shall have been drafted, who shall go or find a substitute, under the same penalty by the said Act imposed, for neglect or refusal so to do.

Governor authorized to direct drafts to be drilled without calling them into actual Service

XV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to direct and order any such bodies or drafts of men to be selected, and the names returned to him, and to direct and order such bodies or drafts to be drilled and disciplined, without calling such men into actual service, and to select and appoint Officers to command them, and to direct such measures to be adopted, and to make such orders, rules and regulations, for that purpose, as may be necessary, by drilling such men in Squads, Companies or otherwise. *Provided always,* that the whole number of days' drill shall not exceed fifteen in any one year; *and provided also,* that no Militia man shall be required to attend drill at any Squad drill for more than three hours in one day, nor to travel more than four miles from his own home, to attend any such Squad drill, nor to attend any Company meeting for drill, more than four hours in one day, nor to travel more than twelve miles from his own home, to attend such Company meeting.

Whole number of days drill not to exceed fifteen days in one year

Governor to make rules for drilling the Militia generally

XVI. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to make rules and regulations for the drilling and disciplining the remainder of the Militia, besides such drafts, if he shall deem it necessary and proper so to do; provided that the number of days' drill prescribed by such rules and regulations shall not exceed three days in any one year.

Fine for not attending Squad Meeting

XVII. *And be it further enacted,* That if any Militia man, being duly notified, shall neglect to attend at any Squad meeting, without sufficient excuse, to be judged of by the commanding Officer of his Company, every Militia man so offending shall forfeit and pay for every such offence a fine not exceeding Ten Shillings; and for each and every refusal or neglect to attend at any Company or Regimental or Battalion meeting, such fines as are now imposed by the Act hereby revived, continued and amended.

Board of Officers

XVIII. *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Colonel or Officer commanding each Regiment or Battalion, from time to time, as occasion may require, to form a Board of Officers of such Regiment or Battalion, consisting of one Field Officer and two Captains, or of three Captains, or of two Captains and three Subalterns, or of one Captain and four Subalterns, for the purpose of hearing and determining all appeals which shall be made by any Militia man, as directed by the thirtieth Clause or Section of the Act hereby revived, continued and amended.

Power to remit fines

XIX. *And be it further enacted,* That the said Board shall have power to remit or discharge any Fine, only on proof of sickness of the man fined, or of sickness in his family, requiring his personal attendance, or of unavoidable accident, rendering it impossible for him to reach the place of muster or training, or the sudden occurrence of urgent business, the neglect of which would have proved of serious injury to the affairs of such man, and which could not have been postponed to another time, and all such fines which shall be confirmed by the said Board, or a majority thereof, shall be certified by said Board, in a Schedule to be signed by the President of said Board.

29th & 30th Sections of the Act revived shall apply to Fines

XX. *And be it further enacted,* That the twenty-ninth and thirtieth Sections of the said Act hereby revived, continued and amended, shall apply to all fines for non-attendance at musters or trainings imposed by this Act.

Notice to be given by Clerk of Company to person appealing of time & place of meeting of Board

XXI. *And be it further enacted,* That in all cases of appeal to a Board of Officers as hereinbefore mentioned, the notice of such appeal directed by the said thirtieth Section of the said Act hereby revived, continued and amended, shall be given in writing, and shall be laid before the Board of Officers at their meeting, and no appeal shall be by said Board considered, unless such notice of the same shall have been so given in writing, and notice of the time and place of meeting of the said Board, shall be given by the Clerk of the Company, to any Militia man who shall have given notice of such appeal.

XXII. *Provided always, and be it further enacted,* That if, when notice of the imposition of the fine or fines shall be given as required by the twenty-ninth Section of the said Act hereby revived, continued and amended, a Board of Officers for hearing appeals shall or may have been appointed; and such notice shall be in writing, and, in addition to the notice of the imposition of the fine or fines, shall also contain a notice that a Board of Officers has been appointed, and will meet at some certain time, not to be less than four days after service of such notice, and at some certain place—such time and place to be respectively mentioned in such notice for hearing appeals, then no further notice shall be requisite either from the man desiring to appeal or from the Clerk of the Company, but at the time and place appointed, any man receiving such notice may, and if he desires to appeal is hereby required to, attend, and shall be entitled to have his appeal heard and determined; and the said Board shall proceed in the same manner as if such man had given the notice of appeal before mentioned.

Notices

XXIII. *And be it further enacted,* That all fines imposed on any Militia man by this Act, or by the Act hereby continued, revived and amended, for non-attendance at any muster or training whatsoever, shall be recovered before any one of Her Majesty's Justices of the Peace, not being an Officer of the Company to which such Militia man belongs, and not having sat on any Board of appeal, who shall have determined on the fine or fines for which the action shall be brought, in the name of the Commanding Officer of such Company, by an action as if the same were a debt due to such Commanding Officer, in which action the Clerk of the Company may be, and is hereby declared to be, a competent Witness, and such Justice shall have no power to remit any such fine or fines, but on proof that the said Militia man had notice of the imposition of such fine or fines, or such notice as in the last preceding Section mentioned, and that no appeal was made, or that the Board of Officers have not relieved the said Militia man on appeal, shall give judgment for the amount of the said fine or fines, with costs, and issue execution as in cases of debt. *Provided always,* that if any Militia man shall be committed under such execution to Jail, and shall apply for relief under any Act or Acts for the relief of Insolvent Debtors, such Militia man, if found entitled to his discharge under such Act or Acts, shall not be immediately discharged, but shall be remanded, and shall suffer two days imprisonment for every Five Shillings of the amount of such fine or fines.

Fines imposed for non-attendance to be recovered before one Justice of the Peace in the name of the Commanding Officer of the Company

The Clerk of the Company a competent witness

Judgment to be given for the amount of the fine with costs

XXIV. *And be it further enacted,* That if any non-commissioned Officer or Private in any Regiment, Battalion, Company, or Squad of Militia, shall be guilty of disobedience of orders, drunkenness, contemptuous or insulting behaviour, to any Officer or Officers while engaged in Militia duty of any kind, or on any occasion whatsoever, the Commanding Officer then present shall apprehend, or cause to be apprehended, such non-commissioned Officer or Private, and commit him to Jail, for the time and in the manner prescribed by the forty-first Clause or Section of the said Act hereby revived, continued and amended; and any Sheriff or Jailor, on neglect or refusal to receive such offender into his custody, and any Serjeant, Corporal or Private, on neglect or refusal to escort such offender to Jail, shall be liable to the like pains, penalties and forfeitures, to which they are now severally liable for the like offence, under the said forty-first Clause or Section of the said Act.

If non-commissioned officer or private be guilty of improper conduct while on duty he is to be apprehended and committed to jail

XXV. *And be it further enacted,* That each and every Militia man, duly enrolled according to the provisions of the said Act hereby revived, continued and amended, and who shall have received notice of, or have been required to attend any Militia muster or training, shall be wholly free and exempt from arrest under and by virtue of any civil process, during the days on which such muster and training shall take place; provided he shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void, and every Sheriff or other Officer, actually making such arrest, shall be subject and liable to an action for damages at the suit of the party who shall be so arrested.

Militia-men while on duty to be free from arrest

XXVI. *And be it further enacted,* That whenever any Regiment, Battalion, Detachment, Company or Squad of Militia men, shall be met at muster or training for drill, it shall and may be lawful for the Commanding Officer then present, to order and direct such Regiment, Battalion, Detachment, Company or Squad, to re-assemble on any other day then to be named

When Militia meet on duty the Commanding Officer to direct them to re-assemble at another day to be named by him

by him, on which day such Regiment, Battalion, Detachment, Company or Squad, may be compellable by Law to assemble, and such order and direction shall be deemed good and sufficient notice to every Militia man who shall have been duly notified of the first day's muster or training.

Fines not exceeding £3 to be sued before any one Justice of the Peace

When exceeding £3 before two Justices from a Militia man in the name of the Commander of the Company

No Justice of the Peace to receive any fee, &c. for service under this Act

No prosecution to be brought under this Act after 3 months

Process for the recovery of fines may be amended

Persons exempted from training when Drafts ordered from Drill

Clergymen not liable to the provisions of this Act

Preamble

Board of Officers

XXVII. *And be it further enacted,* That all fines imposed by this Act, or by the Act hereby revived, continued and amended, the mode of recovering, which is not otherwise directed or prescribed by this Act, or the said Act hereby revived, continued and amended, when not exceeding Three Pounds, shall be sued for, and recovered by Information or Suit, before any one Justice of the Peace, and when exceeding Three Pounds, before any two Justices of the Peace, if recoverable from any Militia man in the name of the Officer commanding the Company to which such Militia man belongs, and in which information or suit the Clerk of the Company shall be, and he is hereby declared to be, a competent witness, and if recoverable from any Officer in the name of the Adjutant of the Regiment or Battalion to which such Officer belongs, and upon due conviction, the amount of the fine or fines, with costs, shall be levied by warrant of distress on the Goods and Chattles of the party offending, or if he have not Goods or Chattles to satisfy such warrant, he shall be committed to Jail for such specific time as hereinbefore, or in and by the said Act shall or may be prescribed and directed, or if no specific time be so prescribed then for two days for every Five Shillings of the amount of such fine or fines.

XXVIII. *And be it further enacted,* That no Justice of the Peace shall hereafter take, have, or demand or receive, any fee, charge or reward, whatsoever, for any service done and performed by him in that capacity, under and by virtue of any of the provisions of this Act, or the Act hereby revived, continued and amended.

XXIX. *And be it further enacted,* That no person or persons shall be prosecuted by virtue of any clause of this Act, or of the Act hereby revived, continued and amended, for any breach thereof, after the expiration of three months from the commission of the offence.

XXX. *And be it further enacted,* That any Writ or Process for the recovery or enforcing of any fine or fines, may be amended in any particular, until final judgment rendered.

XXXI. *And be it further enacted,* That when any draft or body of men shall, by the Governor, Lieutenant-Governor or Commander in Chief, be ordered for drill, none of the persons exempted from training or muster, under the fortieth Section of the Act hereby revived, continued and amended, shall be so exempted, excepting only the Members of the Executive Council, the Chief Justice and Justices of the Supreme Court, the Secretary of the Province, the Treasurer of the Province, the Officers of Her Majesty's Customs and of the Colonial Revenue, Post Masters and Mail Carriers, and such Clerks, Officers, Servants, and other persons actually employed in the Civil and Military Departments of the Army and Navy, as the Governor, Lieutenant-Governor or Commander in Chief for the time being may specially exempt, and every Licensed Ferryman, and persons commonly called Quakers, and duly certified as such, and all other persons liable to be drafted, as aforesaid, except those above exempted; and also, except the Master of the Rolls, the Judge of the Court of Vice-Admiralty, the several first Justices and Presidents of Sessions, for the Island of Cape Breton, and for the Eastern, Western and Middle divisions, of this Province, and every regularly Licensed Teacher, actually employed in teaching School, who are hereby exempted from drill or muster, by themselves or their sufficient substitutes, shall be liable to perform such drill or other services, as may be required under this Act, from all such drafts or bodies of men as may be furnished or ordered for drill or other service, as herein directed.

XXXII. *And be it further enacted,* That no established or Licensed Clergyman, nor any ordained Minister of the Gospel, shall be liable to any of the provisions of this Act.

And whereas, it may be difficult in some places, to procure one Field Officer and two Captains, to compose a Board of Officers, as directed by the forty-ninth Section of the said Act hereby revived, continued and amended.

XXXIII. *Be it therefore enacted,* That it shall and may be lawful, on complaint of any Militia man, as mentioned in the said forty-ninth Clause or Section of the said Act herein

first

first mentioned, for the Colonel or other Field Officer therein mentioned, to appoint a Board of two Captains and three Subalterns, or one Captain and four Subalterns, instead of a Board of one Field Officer and two Captains, if he shall see fit, who shall have the like power and authority as by the said forty-ninth Clause or Section of the said Act is granted to the Board of one Field Officer and two Captains.

XXXIV. *And be it further enacted,* That when any such drafts or bodies of men, or portions thereof, as hereinbefore mentioned, shall be ordered into actual service, and be embodied, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to order and direct such bodies or drafts of Militia to be marched from one part of the Province to another, as the emergency of the service may from time to time require, and to the frontier of the Province, and all such men as may volunteer for that purpose, beyond such frontier.

XXXV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to call upon any Officer commanding any Troop of Cavalry or Company of Artillery to furnish a draft from such Troop or Company, in manner as hereinbefore directed.

XXXVI. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to accept the services of such and so many of the Companies of Volunteers or Flank Companies, which shall or may have been, or may be, formed in this Province, as may be willing to volunteer, and shall offer themselves for actual service, in case any Militia shall be required for actual service, and to organize and embody such Volunteer or Flank Companies into a Regiment or Battalion, with Field Officers, Adjutant and Staff, as may be requisite, or to attach any such Company to any other Regiment or Battalion; *Provided,* such Volunteer Company shall offer themselves for actual service, as well in this Province as in any part of the Province of New-Brunswick, in which they may be required to serve; *and provided also,* that when any such Volunteer or Flank Company shall not so offer its services as aforesaid, nothing herein contained shall extend, or be construed to extend, to excuse any such Volunteer or Flank Company from furnishing a draft, according to Law, but such Volunteer or Flank Company shall be required to furnish its draft in the same manner as any other Company of, or attached to, any Regiment or Battalion of Militia shall be required and compelled to do.

XXXVII. *Provided always, and be it further enacted,* That not more than eight thousand men shall, at any one time, be called into, and be embodied for, actual service; under this Act, unless in case of an actual or threatened invasion, of this Province, by a Foreign Enemy.

And whereas, Her Majesty's Government has intimated its intention to provide for any portion of the Militia of this Province, which may be called into actual service, such and the same pay and allowances as may be given and made to Her Majesty's Troops, out of the Military chest:

XXXVIII. *Be it therefore enacted,* That in addition to such pay and allowances, every non-commissioned Officer, Private Soldier, Trumpeter, Drummer, Piper, Bugler and Fifer, shall be entitled to, and shall receive, so much additional pay, from and out of the Treasury of this Province, as will make the pay of every Sergeant Two Shillings, Currency, of every Corporal, Trumpeter, Piper, Bugler, Drummer or Fifer, One Shilling and Six Pence, Currency, and of every Private Man, One Shilling and Three Pence Currency, per day, clear of the usual deduction for the Bread and Meat Ration, and to every Sergeant, Corporal, Bombardier and Gunner of Artillery, such additional pay as will make the whole pay for every Sergeant, Two Shillings and Six Pence, Currency, for every Corporal, Two Shillings and Four Pence Currency, for every Bombardier, Two Shillings, Currency, and for every Gunner, One Shilling and Six Pence, Currency, per day, clear of the deduction for the Bread and Meat Ration, as aforesaid.

XXXIX. *And be it further enacted,* That every Militia man shall, when called into actual service, supply himself with such necessaries as may be directed by the Governor, Lieutenant-Governor or Commander in Chief for the time being, and shall appear with such necessaries at the Barrack or Camp where he shall be ordered, and if upon the certificate of the Officer commanding the Company from which such Militia man shall be drafted, approved by the Officer commanding the Regiment or Battalion, to which such Company belongs,

Draft when, on actual service may be marched from one part of the Province to the other, and beyond the frontier if they volunteer

The Commander of a Troop of Cavalry or Company of Artillery to furnish a draft

Volunteers or Flank Companies

Officers

Not more than 8000 men to be embodied unless in case of invasion

Preamble

Additional pay for non-commissioned Officers, Privates, &c.

Militia-man when in actual service to supply himself with such necessaries as may be directed by the Governor

If Militia-man is too poor to supply himself to be supplied with necessaries at the public expense and be put under stoppage

For all Arms, &c. delivered to the Commander of any Regiment to give receipt and shall be responsible for them

In case of loss of Officer, non-commissioned Officer, &c. provision made by Province for his family

Allowance to Adjutant

Adjutant and Quarter Master Generals exempted from Jury

Fines not to be appropriated

Act 1 Victoria repealed

Governor entitled to dispense with Training

This Act may be amended

This Act to continue one year

belongs, it shall appear that any Militia man is too poor, or from other causes, not enabled to supply himself with such necessaries, it shall and may be lawful for the Officer appointed by the Governor, Lieutenant-Governor or Commander in Chief for the time being, for that purpose, to supply such Militia man at public cost, with the necessaries required, not exceeding in value Fifty Shillings, and to order and direct such Militia man to be put under such moderate stoppages of pay as may suffice to reimburse the outlay.

XL. *And be it further enacted,* That for all Arms, Accoutrements, or Articles whatsoever, delivered to any Commanding Officer of any Regiment or Battalion of Militia, or Troop of Cavalry, or Company of Artillery, for the use of such Regiment, Battalion, Troop or Company, such Commanding Officer shall give to the Quarter Master General of Militia, his receipt, and shall be responsible and accountable for the same.

XLI. *And be it further enacted,* That in case of the loss of any Officer, Non-commissioned Officer, or of any Rank and File of the Militia, when on actual service, provision shall be made from and out of the Funds and Treasury of the Province, for the Widows and Families of any such Officer, Non-commissioned Officer or Militia man, who may fall in actual service.

XLII. *And be it further enacted,* That instead of the compensation allowed to every Adjutant, by the forty-second clause of the said Act hereby revived, continued and amended, every such Adjutant, unless ordered on actual service, shall be entitled to receive, and shall receive, Ten Shillings per day, for each and every day he shall be actually employed in the performance of his duty, as such Adjutant, so that the whole sum to be received by any such Adjutant, not on actual service, shall not exceed Fifteen Pounds, in any one year, to be paid on the like certificate, as required by the said forty-second Clause of the said Act.

XLIII. *And be further enacted,* That the Adjutant-General and Quarter Master General of Militia, shall be exempted from serving on any Jury.

XLIV. *And be it further enacted,* That all Fines, Penalties and Forfeitures, to be recovered under and by virtue of this Act, or the Act hereby revived, continued and amended, and not otherwise appropriated by this or the said Act, shall, after deducting one fourth allowed by the provisions of the said Act, for the trouble of collecting the same, be paid into the hands of the Quarter Master of the Regiment or Battalion, to be applied under the order and direction of the Officer commanding such Regiment or Battalion, for defraying such expenses of the said Regiment or Battalion, as may be requisite.

XLV. *And be it further enacted,* That the Act, passed in the first year of Her present Majesty's reign, entitled, An Act to revive and continue the Acts respecting the Militia of the Province, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

XLVI. *Provided always, and be it further enacted,* That if he shall see fit so to do, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by any Proclamation or Proclamations, for such period or periods of time as he may think fit, to dispense with any one or more trainings or Musters of the Militia required by the Act hereby continued, or to reduce such number of days' training to one, or wholly dispense with any Militia meeting; and also, to suspend any of the provisions of this Act or of the Act hereby revived, continued and amended; and also, to dispense with the performance of any such provisions or enactments, as he may consider proper and expedient, and which shall or may be deemed unnecessary under the circumstances.

XLVII. *And be it further enacted,* That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly.

XLVIII. *And be it further enacted,* That this Act shall continue and be in force for one year, and no longer.

CAP. XXXV.

An Act for regulating Elections of Members to serve in General Assembly.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, entitled, An Act for regulating the Elections of Representatives to serve in General Assembly, (except so much thereof as is or may be in force now for regulating the times and places for holding Polls for such Elections); also, the Act, passed in the fourth and fifth year of the Reign of His late Majesty King George the Fourth, in addition to, and amendment of, the said Act, (except as aforesaid); also, the Act, passed in the first year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the opening and holding a Poll for the Election of Representatives to serve in General Assembly for the County of Cape-Breton, and for removal or adjournment of the same; also, the Act, passed in the fifth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to amend the Act for regulating the Election of Representatives to serve in General Assembly, (except as hereinbefore excepted,) shall be, and the said Acts, and every matter, clause and thing, therein contained, (except as before excepted,) are hereby severally repealed.

II. *And be it further enacted*, That, from and after the publication hereof, every Sheriff to whom any Writ for electing a Member or Members to serve in the General Assembly of this Province shall be directed, upon the receipt thereof, shall indorse upon the back thereof the day he received the same, and shall, forthwith, give public notice of the day and place of Election, by putting up advertisements at least ten days before the time of such Election, at five of the most public places in the County or Town, and shall, at the time appointed, at the County Court-House, if the Election be held for the County, and at the most central and convenient place if held for a Township, between the hours of Ten of the Clock in the forenoon and Twelve of the Clock at noon, proceed by reading his Writ, and shall appoint two Freeholders, as his Assistants or Clerks, in conducting the Election, who shall be sworn to the faithful and impartial discharge of their duty.

III. *And be it further enacted*, That when and so soon as the Candidate or Candidates at any Election shall be proposed, it shall and may be lawful for any Elector to question any such Candidate, so proposed, as to his qualification, and the Candidate so questioned shall, and he is hereby required to, deliver a Schedule to the Sheriff, containing the particulars of his qualification conformably to this Act, and at the foot thereof shall subscribe and take the following Oath:

I, A, B, do swear that I am by Law qualified to be elected for the (here insert the County or Township for which the Election is to be held) and that the foregoing Schedule doth contain a full, true, and particular account, to the best of my knowledge and belief, of the property in respect whereof I claim a right to be elected, and of my title thereto, and that the same hath not been conveyed or granted to me fraudently on purpose to qualify me to be elected for said (Township or County, as the case may be.) So help me God.

IV. *And be it further enacted*, That whenever the qualification of any Candidate not present at the commencement of the Poll shall be questioned as aforesaid, a Schedule and Deposition in writing, in the form hereinbefore prescribed, shall be then produced to the Sheriff, signed by such Candidate, and sworn before one of the Justices of the Supreme Court, or of any one of the Inferior Courts of Common Pleas in this Province, or otherwise a Schedule signed by an Agent, either appointed by such Candidate or by any number of the Electors, of the qualification of the said Candidate; and also a deposition signed by the said Agent, and made before one of the Justices of either of the said Supreme Courts or Inferior Courts, or before the Sheriff, in the form following:

I, A, B, do swear that C, D, a Candidate for the (here insert the County or Township) at the present or approaching Election, is to the best of my knowledge and belief, qualified to be elected for said (County or Township,) and that the foregoing Schedule doth contain a full, true,

57, Geo. III.
(except what relates to times and places of holding Polls)
4 & 5, Geo. IV. (except as aforesaid)
1, Wm. IV. 5.
Wm. IV. (except as aforesaid) repealed

Sheriff shall indorse a writ the day he received it

Notice to be given

Sheriff shall appoint two Freeholders as assistants or clerks

Elector may question Candidate relative to qualification

Candidates Oath

When Candidate not present a schedule and deposition to be produced

Oath

true,

Recd
1840 for C. 55
1843 for C. 55

true, and particular account, to the best of my knowledge and belief, of the property in respect whereof the said C, D, hath a right to be elected and of his title thereto, and that the same hath not been conveyed or granted to him fraudulently on purpose to qualify him to be elected for said (Township or County) to the best of my knowledge and belief. So help me God.

Candidate to make and deliver schedule and deposition
 V. *And be it further enacted,* That if any Candidate shall be proposed or shall appear during the Election, at any time after the commencement of the Poll, every such Candidate or his Agent shall make and deliver a Schedule and Deposition as hereinbefore prescribed, whether the qualification of such Candidate shall or shall not be questioned.

Sheriff to appoint one inspector
 VI. *And be it further enacted,* That the Sheriff shall appoint one Inspector and one Clerk, to be nominated by each Candidate, who shall require such appointment to be made at any time during the Election, and each Clerk so appointed, shall take and subscribe the following oath:

Clerks oaths
 I, A, B, do swear, that I will take the Poll fairly and impartially at this Election, by setting down the names of the Electors and the place of their abode, and the names of the Candidate or Candidates for whom they shall give their vote; and also, the description they may give of their property and title to vote, when questioned by any of the Candidates. So help me God.

Poll to be declared open
 VII. *And be it further enacted,* That the Sheriff shall then declare the Poll to be open, and if within one hour thereafter, only one Candidate, or only so many Candidates as there shall be Members required at such Election to be elected, shall be proposed or appear, the Sheriff shall declare the Candidate or Candidates so unopposed to be duly elected, but if more Candidates shall, within one hour appear, or be proposed, the Sheriff shall, if a poll be demanded, proceed fairly and impartially to take the same from day to day, so long as by Law such poll can be held, and before such Sheriff shall close the poll, unless by consent of the Candidates, or in their absence, of their Agents, to be entered on the Poll Book, by order of the Sheriff, or until the time for polling, allowed by Law, has elapsed, he shall make Proclamation for the Freeholders to come forward and give their votes; and if after such Proclamation made, no Freeholder shall appear to vote for the space of one hour, the Poll shall be closed, if at the last place of polling, finally, but if the poll is by Law to be adjourned to some other place, the Sheriff shall declare the poll adjourned to such other place accordingly.

Proclamation for Freeholders to come forward

Poll to be opened (except on first day) at latest at ten and not earlier than nine of the clock.
 VIII. *And be it further enacted,* That the poll for every Election hereafter to be held in this Province, shall always be opened, except on the first day of polling, (on which day it is hereinbefore directed, that the Sheriff shall commence between the hours of ten and twelve of the clock,) at the latest at ten of the clock, and not earlier than nine of the clock in the forenoon, and except on the last day of polling, on every day between the twenty-second day of March and the twenty-second day of September, inclusive, the poll shall close at six of the clock in the afternoon, and except on the last day of polling, on every day, in any other portion of the year, the poll shall be closed at four of the clock in the afternoon, and if the poll shall be continued until the last day of polling, by Law allowed, the poll shall, on such last day, whether the same is to be finally closed at the place where it shall then be, or is to be thence adjourned to some other place, peremptorily close at three of the clock in the afternoon.

When Poll to be closed

Qualification of Candidate and Elector

IX. *And be it further enacted,* That every person hereafter to be elected for any County or Township in this Province, at the time of his being elected, and every Elector for any such County or Township, at the time of giving his vote, shall have, within the said County or Township a qualification in Real Estate, as follows, that is to say: a Freehold Estate in possession by himself, or by his Tenant or Tenants, in fee simple, fee tail, for his own life or for the life or lives of any other or others, (and which shall be a legal and not a mere equitable Freehold,) of the clear yearly value of Forty Shillings, and if a Tenant in common, Joint Tenant or Co-partner, his individual interest shall be of the clear yearly value of Forty Shillings.

Mortgagor, cestui que trust

X. *And be it further enacted,* That every Mortgagor or Cestui que Trust in actual possession by himself or his Tenant, of Land or Real Estate, of the yearly value of Forty Shillings, notwithstanding such Mortgage or Trust outstanding, and the Husband of every Woman who may be seized in dower, of the Land of any former Husband where the dower has

has been actually set off and reduced into possession, and shall be actually of the clear yearly value of Forty Shillings, shall be entitled and qualified to vote, or be elected, for any County or Township in this Province, wherein such Land may be situated.

XI. *And be it further enacted,* That the clear yearly value herein before mentioned shall, in every case, be estimated by the value of Agricultural or other produce which the Land or Property bona fide and actually yields, or by the annual value of the Buildings thereon erected and being.

Clear yearly value how to be estimated

XII. *And be it further enacted,* That no person claiming to vote or to be elected, in respect of any Land or Real Estate, held by him, under a Grant or Conveyance thereof made to him, whether from Her present Majesty, Her Heirs or Successors, or from His late Majesty, or from any Individual or Individuals, shall be entitled to vote or be elected, unless such Grant or Conveyance shall have been registered at least six calendar months before the Teste of the Writ for holding the Election, at which such person shall claim to vote or be elected: *Provided always,* that nothing herein contained shall extend, or be construed to extend, to any person claiming or holding by descent, devise, or by marriage.

Grant or Conveyance under which persons claim to vote to be registered six months

XIII. *And be it further enacted,* That all and every person or persons holding any Lands within the Island of Cape-Breton, under and by virtue of any Crown Lease, or License of Occupation, which had been granted or issued by the former Government of that Island, and which were uncanceled, and in force at the time the said Island was re-annexed to this Province, or under and by virtue of any Deeds purporting to be Conveyances of Freehold Estate, made from the said Titles, shall be entitled to vote as Freeholders.

Persons holding under Crown Leases, &c. in Cape Breton entitled to vote

XIV. *And be it further enacted,* That all fraudulent Conveyances of Land, for the purpose of multiplying votes, or to qualify Voters at Elections, subject to an agreement to reconvey the same, shall be taken against the Grantors as free and absolute, and all Collateral Securities for defeating such Estate shall be void, and every person making any such Conveyance, or any person voting by color thereof, shall forfeit Twenty Pounds to any person that will sue for the same.

Fraudulent Conveyances

XV. *And be it further enacted,* That whenever any Elector shall be questioned by or on behalf of any Candidate, such Elector shall declare for what Property he claims a right to give his vote, and what is his title thereto, and such declaration shall be taken down in the Poll Book and be conclusive on such Elector, and any Candidate may then object to such Elector, and direct his vote to be marked objected to, on the Poll Book, without requiring such Elector to be sworn, or otherwise may mark such vote objected, and cause the Elector to be sworn, and to have administered to him the oath following:—

Elector shall declare for what property he votes and what is his title

You, A, B, do swear that you are by Law qualified to vote for the (County or Township, as the case may be,) in respect of the Property and Title which have now been taken down in the Poll Book, and read to you, and that you have not been polled for any Candidate at this (County or Township, as the case may be,) Election, and that the place of your abode is at *So help you God.*

Oath

XVI. *And be it further enacted,* That in any case where it shall be required by or on behalf of any Candidate, the following oath shall also be administered to each Elector:—

You, A, B, do swear that the Property in respect whereof you claim a right to give your vote at this Election, hath not been granted or conveyed to you fraudulently, on purpose to qualify you to give such vote, and that you have not received or had by yourself or any person whatever, in trust for you or for your use and benefit directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security, for any money, office, place, employment or gift, in order to give your vote at this Election, and that you have not before been polled for any Candidate, at this (County or Township, as the case may be,) Election, and that the place of your abode is at *So help you God.*

Oath

XVII. *And be it further enacted,* That any person being a Quaker or Moravian, whenever an oath is required by this Act, shall be permitted, instead of such oath, to make his solemn affirmation or declaration.

Quaker or Moravian to make his solemn affirmation

XVIII. *And be it further enacted,* That if any Sheriff shall wilfully return any person or persons as duly elected, who shall not have the majority of votes on the Poll Book, or shall wilfully be guilty of any breach or violation of this Act, or any of the provisions herein

Sheriff guilty of violation of this Act shall forfeit £200

contained, such Sheriff shall forfeit and pay the sum of Two Hundred Pounds, to any person who will sue for the same.

Persons furnishing entertainment to Freeholders shall be disabled from recovering payment from Candidate

XIX. *And be it further enacted,* That if, at any Election hereafter to be held, any person or persons at the request of any Candidate or Candidates thereat, shall furnish and provide to or for any Freeholders or body of Freeholders, or other description of People whatsoever, any Meat, Drink or Entertainment, of any kind, the person or persons so furnishing and providing the same, shall be totally disabled and prevented from recovering from such Candidate or Candidates, or from any Friend or Agent of such Candidate or Candidates, any reward or payment for such Meat, Drink or Entertainment, so furnished or provided, or any part thereof, and if, upon the trial of any cause, it shall appear that any part of the demand of the Plaintiff or Plaintiffs is for Meat, Drink or Entertainment, so furnished or provided at an Election, as hereinbefore mentioned, the Judge or Court, before whom such cause may be on trial or tried, shall forthwith non-suit such Plaintiff or Plaintiffs, and Judgment, with costs, shall be thereupon entered in favor of the Defendant or Defendants: *Provided always,* that nothing herein contained shall extend, or be construed to extend, to prevent the recovery from any individual person, whether a Candidate or Freeholder, or other person whomsoever, of the price or value of any Meat, Drink or Entertainment, furnished and provided for such individual person, for his own use, and at his own special request.

Candidate providing Wine, Brandy, &c. during any Election shall forfeit £100

XX. *And be it further enacted,* That if any Candidate shall furnish, supply, distribute or provide, or willingly permit, or allow to be furnished, distributed or provided, directly or indirectly, by or on his behalf and at his expense or charge, or by any ways or means howsoever, to any Elector or other person, who shall or may claim to be an Elector, any Wine, Brandy, Gin, Rum, or other strong or distilled intoxicating Liquors of any kind or description, during any Election hereafter to be held, or if any person who shall have or claim a right to vote in any such Election shall directly or indirectly ask, receive or take, any money or other reward, by way of gift, employment, or other recompense whatsoever, for himself or any of his family or kindred, to give his vote or to abstain from giving his vote in any such Election, or if any person by himself or his friend, by his procurement, or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security, for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such Election; or to abstain from giving the same, such person shall forfeit for such offence the sum of One Hundred Pounds to the person who will sue for the same.

All penalties and forfeitures shall be recovered with costs by action of debt, &c. in Sup. Court

XXI. *And be it further enacted,* That all penalties and forfeitures herein before prescribed and mentioned, shall be respectively recoverable and recovered, with full costs, by action of Debt, Bill, Plaint or information, in Her Majesty's Supreme Court of this Province; and that it shall be sufficient for the Plaintiff, in any such action of debt or information, to set forth in the declaration that the Defendant is indebted to him the said Plaintiff, in the amount of the penalty which shall be sought to be recovered in such action or information, and to allege the particular offence for which such action or information is brought or prosecuted, and that the Defendant hath therein acted contrary to this Act, without mentioning the Writ for holding such Election, or the return thereof.

Action, &c. shall be commenced within 3 months after offence

XXII. *Provided always, and be it further enacted,* That every Action, Bill, Plaint or Information, grounded upon this Act, shall be commenced or exhibited within three calendar months after the offence shall be committed.

Sheriff shall be entitled to receive Ten Shillings from each Candidate for every day Poll is open

XXIII. *And be it further enacted,* That for every day during which the poll shall be kept open, the Sheriff shall be entitled to demand and receive of and from every Candidate at any Election, the sum of Ten Shillings, and at the final close of the Poll, wherever that shall take place, the Sheriff shall declare the Candidate, or if there be more than one to be elected, the Candidates having the majority of votes, to be duly elected, and shall make a return of the Writ for holding such Election accordingly.

If Scrutiny demanded Sheriff shall attend with Assistants or Clerks at some convenient place at a fixed hour

XXIV. *And be it further enacted,* That if at the final close of the poll, any Candidate or Candidates, or his or their Agents, shall publicly and openly demand a Scrutiny, the Sheriff shall thereupon immediately give notice, that on the day next after the day of closing the Poll, unless that day shall be Sunday, Christmas day or Good Friday, and in such case on the ensuing Monday, or the day after Christmas day or Good Friday, he, the Sheriff, will attend

attend, with two Assistants or Clerks, at some central and convenient place in said County or Township, and at some certain fixed hour, to proceed in such Scrutiny.

XXV. *And be it further enacted,* That on the day and at the hour and place so appointed, if the Candidate demanding such Scrutiny shall persist in his demand, the Sheriff shall so attend, with two Assistants and Clerks, and each Candidate or his Agent, who shall intend or desire to proceed in and with such Scrutiny shall also attend, and shall then and there name a good and sufficient Freeholder to assist at such Scrutiny.

At the day and hour appointed Sheriff shall attend with two Assistants and each Candidate shall name a Freeholder to assist

XXVI. *And be it further enacted,* That such Freeholders respectively nominated by and on behalf of every Candidate intending or desiring to proceed in and with the said Scrutiny, shall severally take and subscribe the following oath, publicly and openly before the Sheriff.

I, A, B, do swear, that I will impartially and fairly determine, according to the best of my judgment, on the receiving or rejecting of all such evidence, as may be offered for any of the parties, during the holding of this Scrutiny. So help me God.

Oath to be taken by Freeholder assisting at Scrutiny

And the said Sheriff shall publicly and openly take and subscribe an oath in the same form, before some Justice of the Peace, and the Clerks of the said Sheriff shall publicly and openly take and subscribe the following oath, before said Sheriff.

Sheriff shall also take an Oath

We, A, B, and C, D, do swear, that we will severally and respectively, according to the best of our judgment and ability, take down, transcribe and engross, all such evidence as shall be received for any of the parties during the holding of this Scrutiny. So help me God.

Oath to be taken by Clerks of Sheriff

XXVII. *And be it further enacted,* That the said Sheriff and the Freeholders so nominated and sworn, as aforesaid, shall, after the administration of the oaths hereinbefore required to be respectively taken by the Sheriff, his Clerks, and the said Freeholders, appoint some certain fixed time and place for holding such Scrutiny, and proceeding in and with the same, the said time not to be less than four days, nor more than eight days, after the day of closing the poll.

Sheriff, &c. shall proceed to appoint some certain time and place for holding Scrutiny

XXVIII. *And be it further enacted,* That, at the time and place so appointed, the Sheriff, with his sworn Clerks, and the Freeholders so nominated and sworn, as aforesaid, shall attend, and shall proceed from day to day, to receive and take down in writing, and fairly engross, all such testimony as shall be then and there offered by or on behalf of any of the Candidates, for or against any votes which shall have been marked objected to, on the Poll Book.

Testimony to be taken down in writing

XXIX. *And be it further enacted,* That all Witnesses to be produced by any party, shall be sworn by the Sheriff, and any Witness so sworn, shall, upon due conviction of wilful falsehood and perjury, in the testimony by him or her given at such Scrutiny, be liable to all the pains and penalties by Law inflicted on persons guilty of the crime of perjury.

Witnesses to be sworn and upon conviction of falsehood liable to penalties of perjury

XXX. *And be it further enacted,* That no Elector shall be, or be received as, a Witness, in any question touching his own vote at such Scrutiny.

No Elector shall give evidence touching his own vote

XXXI. *And be it further enacted,* That all Papers and Documents which shall be tendered and received in evidence, shall be minuted and kept with such testimony, to be returned by the said Sheriff, as hereinafter directed; and if in the course of such Scrutiny, any question shall arise or be made, as to the receiving or rejecting of any testimony, the Sheriff and each Freeholder appointed and sworn as aforesaid, shall each respectively have one voice in the decision of such question, and if it shall appear in any case that the number of voices shall be equally divided, then the said Sheriff, in addition to his own vote, shall be entitled to have the casting vote.

Papers, &c. produced at Scrutiny with testimony to be returned by Sheriff

XXXII. *And be it further enacted,* That the Sheriff shall be entitled to demand and receive Ten Shillings, for each day he shall be actually engaged in the holding of the Scrutiny from each Candidate proceeding therein, and the Clerks of such Sheriff shall be entitled to demand and receive Six Pence per folio of ninety words, from each Candidate, for the original minutes and fair copy thereof to be transmitted to the Assembly, and Six Pence per folio of ninety words for as many copies as may be required by the Candidates respectively.

Sheriff shall be entitled to Ten Shillings each day he is engaged in holding Scrutiny from each Candidate

XXXIII. *And be it further enacted,* That each Candidate shall be entitled, at or before the close of the Scrutiny, to file a protest in writing, in respect of any evidence that may have been received or rejected at such Scrutiny, and by the reception or rejection of which,

Each Candidate may file a protest in respect of evidence received or rejected

which, such Candidate shall feel himself aggrieved, setting out specifically the evidence so received or neglected, and the reasons for the dissatisfaction of such Candidate, with the determination in respect of such evidence.

If Sheriff be unable to attend the Deputy Sheriff may hold such Election or Scrutiny

XXXIV. *And be it further enacted,* That if the Sheriff, for any reason, shall be unable, personally to attend at and hold any Election, or any such Scrutiny, the Deputy Sheriff or any person by the Sheriff specially deputed for that purpose, shall and may attend and hold such Election or such Scrutiny, and shall be invested with the like power and authority, and be subject to the same provisions in every respect, as the Sheriff himself is subject to, or entitled to exercise, or could, or might exercise or would be subject to if personally present.

If Clerk or Freeholder appointed as aforesaid be unable to attend some other Clerk or Freeholder be appointed

XXXV. *And be it further enacted,* That if any Clerk or Freeholder appointed as aforesaid to attend at any such Scrutiny, shall, from any cause, be unable to attend throughout the same, some other person to be appointed Clerk, or some other Freeholder to be nominated by the Candidate by whom such Freeholder unable to attend shall have been nominated, shall be sworn in the place and stead of the Clerk or Freeholder who may be so unable to attend.

Sheriff shall return all proceedings on such Scrutiny to House of Assembly

XXXVI. *And be it further enacted,* That the Sheriff shall return all the proceedings on such Scrutiny, certified under his hand and Seal, and the hands of his Clerks, with all the Documents and Papers received thereat, to the House of Assembly, to be adjudged on and determined.

Qualifications of Members

XXXVII. *And be it further enacted,* That every Member, before he assumes his seat, or shall presume to vote, in the House of Assembly, if thereto required by the order of the House, shall deliver to the Clerk of the House a Schedule, containing the particulars of his qualification conformably to this Act, and at the foot thereof shall subscribe and take the Candidate's oath, hereinbefore prescribed, and which shall then and there be administered by the Clerk of the House, and shall also deliver to the said Clerk the Title Deeds, Documents or Papers, under which he claims Title to the Property in said Schedule, or true copies thereof duly attested.

Sheriff shall read this Act at the opening of the Poll on the first day of Election

XXXVIII. *And be it further enacted,* That the Sheriff shall read this Act at the opening of the Poll on the first day of the Election, at each place, and no oath other than as hereinbefore required, nor any Religious test whatsoever, shall, on any pretence, be administered to, or required from, any Candidate or Elector, at any Election, liberty of conscience being one among many blessings conferred upon this Province, by our Most Gracious Sovereign.

The word "Sheriff" in this Act shall apply to Sheriff, deputy Sheriff, or any Officer or person to whom any writ for an Election can be directed

XXXIX. *And be it further enacted,* That the word "Sheriff," in this Act, shall apply to, and be taken to include and apply to the Sheriff or the Deputy Sheriff, or any officer to whom any Writ for an Election shall or can, by Law, be directed, or by whom such Writ can or may, by Law, be executed, and that the word "Election," in this Act, shall apply to and be deemed and taken to apply to any Election for a Representative or Representatives to serve in General Assembly, whether for any County, Township, or other place whatsoever, within this Province, for which a Representative or Representatives, can or may, by Law, be elected.

If a Candidate shall abandon the Scrutiny, and shall not petition the House against the Election the opposite Candidate shall be entitled to recover the costs and charges for Sheriff's Fees, &c.

XL. *And be it further enacted,* That if any Candidate having demanded a Scrutiny, as aforesaid, and proceeded therein, shall afterwards abandon the same, or, having gone through the same, shall not petition the House against the said Election, and enter into any recognition that may by Law be required thereon, and proceed to the investigation thereof; in either of such cases the opposite Candidate or Candidates shall be entitled to recover, after demand made by an action for money paid in Her Majesty's Supreme or Inferior Court, from such Candidate, so having demanded and proceeded in such Scrutiny, the costs and charges to which such opposite Candidate or Candidates hath or have been subjected for Sheriff's and Clerk's Fees, as aforesaid, and also, for the engrossing of any Documents and Papers, and the attendance of any Witnesses, necessarily produced at such Scrutiny, which cost and charges shall be taxed, and the just amount thereof determined by a Judge of the Supreme Court, or the first Justice of the Inferior Court, according to the rates now established by Law in the Supreme Court, and on due proof thereof to be made by affidavit.

CAP. XXXVI.

An Act for securing Copy Rights.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the author and authors of any Map, Chart, Book or Books, already printed within this Province, being resident within the same, his or their Executors, Administrators or Assigns, who hath or have not transferred to any other person the Copy Right of such Map, Chart, Book or Books, Share or Shares thereof, and any other person or persons being resident in this Province, his or their Executors, Administrators or Assigns, who hath or have purchased or legally acquired the Copy Right of any such Map, Chart, Book or Books, in order to print, re-print, publish or vend, the same, shall have the sole right and liberty of printing, re-printing, publishing or vending, such Map, Chart, Book or Books, for the term of twenty-one years from the recording the title thereof, in the office of the Secretary of the Province, as hereinafter directed, and the author and authors of any Map, Chart, Book or Books, already made and composed, and not printed and published, or that shall hereafter be made and composed, being resident within this Province, and his or their Executors, Administrators or Assigns, and also, any person resident within this Province, who heretofore has or hereafter shall invent and design, engrave, etch or work, or from his own works and inventions, shall cause to be designed and engraved, etched or worked, any historical or other print or prints, shall have the sole right and liberty of printing, re-printing, publishing and vending, such Map, Chart, Book or Books, Print or Prints, for the like term of twenty-one years, from the time of recording the title thereof in the Secretary's Office as aforesaid; and if, at the expiration of the said term, the author or any of the authors of any such Map, Chart, Book, Print or Prints, shall be living, and resident within this Province, the same exclusive right shall be continued to him or them, his or their Executors, Administrators or Assigns, for the further period of fourteen years; *provided*, he or they shall cause the title thereof to be a second time recorded and published, in the same manner as is hereinafter directed, and that within six months before the expiration of the first term of twenty-one years, as aforesaid.

Authors of Books, &c. to have Copy Right for 21 years

Copy Right to be continued for the further period of 14 years if the author be living and resident in the Province

II. *And be it further enacted*, That if any other person or persons, from and after the recording of the title of any Map, Chart, Book or Books, and publishing the same, as aforesaid, and within the times limited and granted by this Act, shall print, re-print, publish or import, or cause to be printed, re-printed, published or imported, from any other Country, any copy or copies of such Map, Chart, Book or Books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible Witnesses, or knowing the same to be so printed, re-printed or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any such copy of such Map, Chart, Book or Books, without such consent first had and obtained in writing, as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such Map, Chart, Book or Books, and all and every sheet and sheets, being part of the same or either of them, to the author or proprietor of such Map, Chart, Book or Books, who shall forthwith destroy the same, and every such offender or offenders shall also forfeit and pay the sum of Twenty Shillings, for every sheet which shall be found in his or their possession, either printed or printing, published, imported, or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to whomsoever will sue for the same, and the other moiety thereof to the use of the Public Libraries in Halifax, to be recovered by Action of Debt in any Court in this Province, having competent jurisdiction thereof.

Persons importing or printing & Books without consent of Author or Proprietor to forfeit all the copies & liable to a penalty

Penalty how to be applied

III. *And be it further enacted*, That if, after the recording the title, and entering of any Print or Prints, as hereinafter mentioned, any Print-seller or other person whatsoever shall engrave, etch or work, as aforesaid, or in any other manner copy or sell, or cause to be engraved, etched, copied or sold, in the whole or in part, by varying, adding to, or diminishing, from the main design, or shall print, re-print, or import for sale, or cause to be re-printed or imported for sale, any such Print or Prints, or any part thereof, without the consent of the Proprietor or Proprietors thereof, first had and obtained in writing, signed by him or them respectively, in the presence of two or more credible Witnesses, or knowing the same to be

Persons engraving or copying and exposing to sale, without consent of the Proprietor any print, &c. shall forfeit the prints and plates and be liable to a penalty

so printed, re-printed or imported, without the consent of the Proprietor or Proprietors, shall publish, sell, or expose to sale, or otherwise, or, in any other manner, dispose of any such Print or Prints, without such consent first had and obtained, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such Print or Prints are or shall be copied, and all and every sheet or sheets (being part of, or whereon such Print or Prints shall be copied or printed,) to the Proprietor or Proprietors of such original Print or Prints, who shall forthwith destroy the same, and every such offender or offenders shall forfeit the sum of Twenty Shillings for each and every Print which shall be found in his or their custody, either printed, published, or exposed to sale, or otherwise disposed of, contrary to the intent and meaning of this Act, one moiety thereof to any person who shall sue for the same, and the other moiety thereof to the said Public Libraries in Halifax, to be recovered by action of debt in any Court within this Province, having competent jurisdiction thereof.

Penalty how to be applied

IV. *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to prohibit the importation or vending, re-printing or publishing, within this Province, of any Map, Chart, Book or Books, Print or Prints, written, engraved, etched or worked, printed or published, by any person not resident within this Province, in foreign parts, or in any country or place, without the jurisdiction of this Province.

Proviso

V. *And be it further enacted,* That no person or persons shall be entitled to the benefit of this Act, in cases where any Map, Chart, Book or Books, Print or Prints, hath or have been already published, unless he shall first deposit, and, in all other cases, unless he or they shall, before publication, deposit a printed copy of the title of such Map, Chart, Book or Books, Print or Prints, in the office of the Secretary of this Province, and the said Secretary is hereby required to record the same in a Book to be kept by him for that purpose, in the words following: (giving a copy thereof to the said author or authors, proprietor or proprietors, under the hand of him, the said Secretary, if required.

A printed copy of the title of the book, &c. to be deposited in the Secretary's Office

To be recorded

PROVINCE OF NOVA-SCOTIA, TO-WIT :

Form of Record

Be it remembered, that on the _____ day of _____ in the year of Our Lord One Thousand Eight Hundred and _____ A. B. of _____ in the said Province, hath deposited in this Office, the Title of a Map, Chart, Book or Books, Print or Prints, (as the case may be,) the right whereof he claims as Author or Proprietor, (as the case may be,) in the words following, to wit: (here insert the Title,) in conformity to the Act of Assembly, passed in the second year of the reign of Queen Victoria, entitled, "An Act for securing Copy Rights." C. D. Secretary of the Province. For which the said Secretary shall be entitled to demand and receive Twenty Shillings, from the Author or Authors, Proprietor or Proprietors, and Ten Shillings for every copy under his hand actually given to such Author or Author, Proprietor or Proprietors, as aforesaid, and such Author or Authors, Proprietor or Proprietors, shall, within six months from the date thereof, cause a copy of the said Record to be published in one or more of the Newspapers printed in this Province, for the space of twelve weeks, and shall also cause, in all cases where any such Map, Chart, Book or Print, shall not have been printed or published before the passing thereof, a copy of said Record to be inserted at full length in the Title Page, or in the page immediately following the Title of every such Book or Books, and if a Map or Chart, Print or Prints, shall cause the following words to be impressed on the face thereof, that is to say: "Entered according to the Act of Assembly, the _____ day of _____ 18 (here insert the date when the same was deposited in the Office,) by A. B. of _____ (here insert the Author's or Proprietor's name, and the place in which he resides.)"

Fees for recording and for copy of Record

Record to be published

Record to be inserted in the title page

Persons falsely inserting in books, &c. that a Copy Right has been obtained liable to penalty

Penalty how to be applied

VI. *And be it further enacted,* That if any person or persons, from and after the passing of this Act, shall print or publish any Map, Chart, Book or Books, Print or Prints, whereof he or they hath or have not legally acquired the Copy Right, and shall, contrary to the true intent and meaning of this Act, insert therein or impress thereon, that the same has been entered according to this Act, or words purporting the same, or purporting that the Copy Right has been acquired, every person so offending, shall forfeit and pay the sum of One Hundred Pounds, one moiety thereof to the person who shall sue for the same, and the other moiety thereof to the Public Libraries aforesaid, in Halifax, to be recovered by action of debt, in any Court within this Province, having competent jurisdiction thereof.

VII. *Provided always, and be it further enacted,* That the action for any forfeiture or penalty, hereinbefore imposed or given, shall be had and commenced within three years from the time the cause of action may have arisen.

Action for penalties to be commenced within 3 years

VIII. *And be it further enacted,* That any person or persons who shall print or publish any Manuscript, without the consent of the Author or Authors, Proprietor or Proprietors thereof, first had and obtained, as hereinbefore mentioned, (if such Author or Authors, Proprietor or Proprietors, be resident within this Province,) shall be liable to suffer and pay to the said Author or Authors, Proprietor or Proprietors, all damage to be occasioned by such injury, to be recovered by a special action, on the case founded upon this Act, in any Court having cognizance thereof.

Persons interfering with the Copy Right of an Author, &c. liable to an action for damages

IX. *And be it further enacted,* That if any person or persons shall be sued or prosecuted for any matter or thing done, under and by virtue of this Act, he or they may plead the general issue, and give the special matter in evidence.

Special matter to be given in evidence under the general issue

X. *Provided always, and be it further enacted,* That the Proprietor or Proprietors of any Map, Chart, Book or Print, who may be entitled to the rights and privileges to be granted under this Act, shall, within six months from the time such Map, Chart, Book or Print, is published, deposit with the Law Clerk of the Legislative Council, one copy of such Map, Chart, Book or Print, and one copy thereof with the Clerk of the House of Assembly, to be kept in the Libraries of the Legislative Council and House of Assembly respectively.

Copies of the Book, &c. to be deposited with the Law Clerk of the Legislative Council and the Clerk of the Assembly

CAP. XXXVII.

An Act in addition to, and in amendment of, the Acts concerning Treasury Notes.

(Passed the 4th Day of April 1839.)

WHEREAS, the duties imposed by Acts of the Imperial Parliament are received at the Custom-House, in the Coins of Great-Britain, at their full value in Sterling Money, and in Doubloons, at the rate of Sixty-six Shillings, Sterling, equal to Four Pounds Two Shillings and Six-pence, Currency, each being more than their real value, and in Dollars, at Four Shillings and Four-pence Sterling, which is also more than their real value. *And whereas,* such Coins, so received in payment of Duties, are paid by the Officers of Her Majesty's Customs into the Provincial Treasury, at their aforesaid rates, in Sterling, and a loss of Two Shillings and Six-pence each is sustained on Doubloons, so paid in their real value, and the rate at which they are received in payment of the Colonial Duties being only Four Pounds Currency. *And whereas,* a loss has also been sustained on Dollars so paid, in their value, in the old Halifax Currency, being Five Shillings only each, and their real value having fluctuated of late, from Five Shillings and one Penny, to Five Shillings and Three-pence each. *And whereas,* the holders of Treasury Notes presenting the same for payment, have insisted on and have received such Dollars in exchange therefor, at Five Shillings Currency each, whereby a large sum has been lost to the Revenue—for remedy whereof:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That when and so often as any Treasury Notes shall be presented for payment at the Provincial Treasury, after the passing of this Act, and there shall be a sufficient number of Dollars therein to pay the same, the Treasurer of the Province shall thereupon ascertain at the Banks at what rate the said Dollars are then current, at which rate the same shall be then offered and given in payment of such Notes, and if the holders of such Notes decline to receive such Dollars at the rate so to be ascertained, it shall be the duty of the Treasurer to dispose of such Dollars so as to realize their actual and full value, and to answer any demands upon the Treasury, by and with the proceeds thereof.

Payment of Treasury Notes in Dollars at current value

CAP. XXXVIII.

An Act for establishing a Harbour Master at Bridgeport, in the Island of Cape-Breton.

(Passed the 30th Day of March, 1839.)

Preamble

WHEREAS the Harbour of Bridgeport, in the Island of Cape-Breton, is a Bar Harbour, and unless regulations are made to prevent Mariners, frequenting said Port, casting ballast into the Channel, said Harbour will be destroyed :

Harbour Master to be appointed for Bridgeport

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission, during pleasure, one fit and proper person to be Harbour Master at the said Port of Bridgeport, in the Island of Cape-Breton aforesaid.

Bye-laws to be made for regulation of Harbour Master

II. *And be it further enacted,* That it shall be lawful for the General Sessions of the Peace at Sydney to make Bye-Laws for the regulation of such Harbour Master, and rules and regulations to be observed and obeyed by all persons frequenting and resorting to said Harbour, and to enforce such Bye-Laws and regulations by reasonable penalties not exceeding Forty Shillings for any one offence, to be thereto annexed.

Allowance to Harbour Master

III. *And be it further enacted,* That the said Harbour Master shall be allowed, and is hereby entitled to demand, on all Foreign Vessels entering said Harbour One Penny per Ton to the extent of One Hundred Tons for each such Vessel and no more, and it shall be lawful for said Harbour Master to sue for the same, before any two of Her Majesty's Justices of the Peace for the County of Cape-Breton in his own name.

Harbour Master to establish places at which ballast is to be discharged

IV. *And be it further enacted,* That it shall and may be lawful for the said Harbour Master to establish and fix such places in the said Harbour of Bridgeport as shall be most proper, for all Vessels to discharge their ballast, and to make such agreement as may be needful and necessary with persons for erecting and building Wharves and other conveniencies for such Ships and Vessels to discharge their ballast upon, and from time to time to make orders and regulations to compel such Ships or Vessels to discharge their ballast on, such Wharves.

Penalties—how to be recovered

V. *And be it further enacted,* That all penalties to be hereafter imposed by any Bye-Law, made by virtue hereof, shall be sued for and recovered before any two Justices of the Peace for the County of Cape-Breton, and shall be levied with costs by warrant of distress, under the hand and seal of such Justices, on the Goods of the offender, and for want of Goods the said Justices shall order such offender to be imprisoned for a term not exceeding two days for every Five Shillings of the said penalty, or until the penalty be paid, and one moiety of such penalties shall go to the use of the informer, and the remainder to our Sovereign Lady the Queen.—*Provided always,* that any person who may think himself aggrieved may appeal from the decision of such Justices to the next General Sessions of the Peace at Sydney, and shall be entitled to demand a Jury at the said Sessions to try such appeal.

Continuation of Act

VI. *And be it further enacted,* That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXIX.

An Act to make the Stealing of Dogs, Beasts and Birds, Larceny.

(Passed the 30th day of March, 1839.)

Stealing of Dogs, Beasts or Birds, ordinarily kept in confinement, made Larceny

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Stealing of any Dog, Beast or Bird, ordinarily kept in a state of confinement, not now the subject of Larceny at common Law, shall be held and deemed to be Larceny, and any person charged with such offence, may be proceeded against, and if convicted, may be punished as if charged with, and convicted of, the offence of Larceny.

II.

II. *And be it further enacted*, That if any Dog, or any such Beast, or the skin thereof, or any such Bird, or any of the plumage thereof, shall be found in the possession, or on the premises of any person, by virtue of a search warrant, to be granted as hereinafter mentioned, the Justice by whom such warrant was granted, may restore the same respectively to the owner thereof, and the person in whose possession, or on whose premises the same shall be so found, such person knowing that the Dog, Beast or Bird, has been stolen, or that the skin is the skin of a stolen Dog or Beast, or that the plumage is the plumage of a stolen Bird, shall, on conviction thereof, be liable to such punishment as persons convicted of stealing any Dog, Beast or Bird, are hereinbefore made liable to.

Skins of Stolen Dogs and Beasts, or Plumage of Birds, found in possession of persons

III. *And be it further enacted*, That it shall and may be lawful for the Courts of Sessions in the different Counties throughout the Province, to make such rules and regulations, as may be necessary in their respective Counties, to prevent damages arising from unruly, malicious or rabid Dogs, and to affix a penalty for the breach of any such regulation, not exceeding Forty Shillings, to be recovered on conviction, before any one Justice of the Peace, and levied by Warrant of Distress on the Offender's Goods and Chattles, and in case there be no Goods and Chattles, or not sufficient to satisfy said Warrant, then such offender shall be committed to the County Gaol for such time as the said regulations shall provide, not exceeding eight days.

Rabid Dogs—Courts of Sessions to make regulations respecting them

IV. *And be it further enacted*, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

CAP. XL.

An Act for the relief of Insolvent Debtors, imprisoned under Mesne Process.

(Passed the 30th Day of March, 1839.)

WHEREAS, the provisions of the Act hereinafter mentioned have been found defective, inasmuch as the powers thereby conferred are confined to the Court, or Justice or Justices from whence the process issued, differing in that respect from the Laws in force respecting Insolvent Debtors confined under execution; *And whereas*, in consequence of such limitation of the powers by said Act conferred, Debtors may, by Mesne Process issued from the Supreme Court, be deprived of all benefit of the Acts for the relief of Insolvent Debtors, for a long period of time.

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to extend the benefits of the Insolvent Debtors' Acts to persons arrested upon Mesne Process, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

Act 7. Wm. 4. repealed

II. *And be it further enacted*, That, from and after the passing of this Act, it shall and may be lawful for any Debtor arrested and committed to Jail upon mesne process, to make application to any Court, Justice or Justices, whatsoever or whomsoever, to whom or to which such Debtor, if confined under execution, might, by Law, make such application for an order to be brought before such Court, or Justice or Justices, in order that such Debtor may have an opportunity of taking the benefit of the Acts in force for the relief of Insolvent Debtors, and such order, it shall and may be lawful for such Court, or Justice or Justices, to make in whatever stage the proceedings against such Debtor may be, and if when brought before such Court, or Justice or Justices, after the like notice given, as required to be given to the Creditor or Creditors, in cases where any Debtor is confined under execution, such Debtor shall submit to examination, if required, and take the oath, make the assignment, and comply with the several requisites of the Acts in force for the relief of Insolvent Debtors, in the like manner as if such Debtor had been imprisoned under execution; and thereupon, if such Court, Justice or Justices, shall deem such Debtor entitled to his discharge, such Debtor shall be discharged accordingly.

Debtors committed under Mesne Process may apply for benefit of Acts for relief of Insolvent Debtors

Notice to be given to Creditors

Requisites to be complied with by Debtors

Creditor may take out Execution against Debtors discharged under Mesne Process

III. *Provided always, and be it further enacted,* That if the Creditor or Creditors, shall deem it proper so to do, it shall and may be lawful for such Creditor or Creditors to proceed to final judgment against the Debtor, notwithstanding such discharge from imprisonment under Mesne Process, and upon such judgment to issue execution against the Lands and Real Estate, or the Goods and Chattles of such Debtor, and if upon such grounds shown to the Court, or Justice or Justices, by whom or from which such Mesne Process may have been issued, such Court, or Justice or Justices, shall, by any rule or order, permit such Creditor or Creditors so to do, but not otherwise, to issue execution also against the body of such Debtor.

Debtor may be required to sign plea of confession, &c.

IV. *And be it further enacted,* That it shall and may be lawful for such Court, Justice or Justices, before whom any Debtor imprisoned under Mesne Process, may be brought as aforesaid, before ordering the discharge of the said Debtor, to require and compel the said Debtor, if it shall be deemed just so to do, to sign a plea of Confession, or to admit any fact or facts, Document or Documents, or Papers whatsoever, as evidence, to be used on any Trial, or to impose any other terms as a condition of the discharge of the Debtor, as such Court, Justice or Justices, may deem reasonable and just.

CAP. XLI.

An Act in further amendment of, and additional to, the Acts relating to Trespasses.

(Passed the 30th day of March, 1839.)

Preamble

WHEREAS, in and by the seventh Section of the Act, passed in the third year of the reign of His late Majesty King George the Fourth, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made, relating to Trespassers, a fine not exceeding Forty Shillings is imposed for breach of certain regulations therein mentioned, which is therein directed to be recovered before two Justices of the Peace, but no mode of recovery is prescribed by such Section:

Offenders convicted—warrants of distress may be issued against them

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the two Justices, upon conviction of any offender, under such seventh Clause or Section of the said Act, to issue a Warrant of Distress against the Goods and Chattles of such offender, for the amount of the fine adjudged, and costs, and if no Goods and Chattles, or not sufficient Goods and Chattles to satisfy such Warrant, can be found, then to direct and order such offender to be committed to Jail for a period not less than ten nor more than fifteen days.

Continuation of Act

II. *And be it further enacted,* That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLII.

An Act respecting Inspectors of Pickled Fish and Guagers of Fish Oil.

(Passed 30th Day of March, 1839.)

Preamble

WHEREAS, Persons are in the habit of Inspecting Fish and Guaging Fish Oil, who are not inspectors or Guagers, appointed, sworn and qualified, agreeably to Law:

Penalty to be imposed on persons acting as Public Guagers of Oil, and Inspectors of

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, if any person shall presume to act as a Public Guager of Fish Oil, or as an Inspector of Pickled Fish, without having been duly qualified, appointed and sworn, according to Law, such person so offending shall, for every offence, forfeit and pay

pay a fine or penalty of Five Pounds, to be sued for and recovered in a summary way, as debts of the like amount are now recovered, in the name of any party who will sue for the same, and the other half to the use of the Poor of the Town or Settlement where such fine shall be recovered.

II. *And be it further enacted,* That every Cask of Fish Oil which shall hereafter be gauged by any Guager, shall be branded or cut with a double iron, with the initial letter of the Christian name, and the whole of the Surname of the Guager, and with the word "Cod," "Dog," "Whale," "Seal," or whatever else may be the proper and usual description of the Fish Oil so gauged by him.

III. *And be it further enacted,* That no Guager of Fish Oil shall be obliged to leave his own place of business or residence, to gauge a less quantity than five barrels, and that the fee to be allowed to every Guager for gauging a puncheon of Fish Oil shall be one Shilling, and for every barrel, Nine Pence.

IV. *And be it further enacted,* That whenever a false description shall be given by any Guager, of any Fish Oil gauged by him, or any such Fish Oil so gauged, shall be branded or marked with a false description, the Guager who shall falsely describe or brand or mark any such Fish Oil, shall forfeit and pay a fine or penalty of Six Pence, for each and every gallon so falsely described, branded or marked, to be recovered and applied, as aforesaid.

Fish, without being duly qualified

Branding Casks of Oil

Guagers not obliged to leave their places of business to gauge less than five barrels Guagers' Fees

False description of Oils & Brands

CAP. XLIII.

An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships; and the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and every matter, clause and thing, in the said several Acts contained, save and except so far as the same are or may be altered or amended by this Act, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *Provided always, and be it further enacted,* That nothing in the fourth, fifth, or last clauses of the said Act herein first mentioned, and hereby continued and amended, contained, shall extend, or be construed to extend to the Marsh, called the Wickwire Dyke, in Horton, but when any sum of money shall be by the Committee to be appointed, as in the said Act named and required for the purposes in the said Act mentioned, and such Committee shall notify the Commissioners of Sewers of the said Dyke thereof, such Commissioners shall include the amount in any sum to be assessed by them upon the proprietors of the said Dyke, as ordinary Dyke Rates, and shall apply such amount in payment of the expenses incurred by the said Committee to be certified by them.

Acts 10, Geo. IV., 2 Wm. IV. continued (with exceptions)

Fourth, fifth, and last Sections of Act 10, Geo. IV. not to extend to Wickwire Dyke

Expenses of repairs of Wickwire Dyke—how to be defrayed

CAP. XLIV.

An Act for the regulation of the Fisheries at Chedabucto Bay.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, it shall not be lawful for any person or persons whomsoever,

Nets not to be set at Chedabucto Bay (Co. Guysbo-

rough) between Sun-rise and an hour before Sun-set

Restrictions imposed as to the setting of Nets, &c.

Nets to be taken up within an hour after Sun-rise

Restrictions respecting Net Moorings

Placing Net Moorings contrary to provisions of Act

Nets or Net Moorings not to be placed within one hundred and fifty fathoms of Hauling Grounds

Vessels anchoring at Landing Grounds

Taking Fish from Seines without permission of owners

to set or place any Net or Nets, on any part of the Shores and border of Chedabucto Bay, within the County of Guysborough, at any time between Sun-rise and an hour before Sun-set, in each and every day.

II. *And be it further enacted*, That no person or persons shall hereafter set or place more than a fleet or two Nets, the length of which shall not exceed forty-five fathoms, affixed or joined together, on any part of the Shores and Borders of said Bay, within the said County, and every person who may set or place more than a fleet or two Nets therein of the length aforesaid shall leave a space of at least sixty fathoms between each and every fleet of Nets, that the course or passage of Mackerel or other Fish may not be hindered or obstructed thereby.

III. *And be it further enacted*, That no person or persons shall hereafter permit or allow his, her, or their Net or Nets, to remain, set and placed, on any part of the Shores or Borders of said Bay, within the said County, longer than an hour after Sun-rise, in each and every day, unless such person or persons shall necessarily be prevented from removing or taking up the same by the violence of the wind or by stress of weather.

IV. *And be it further enacted*, That no person or persons shall hereafter set or place any Net Mooring nearer than sixty fathoms to any other Net Mooring that may be set or placed on any part of the Shores and Borders of said Bay, within the said County, nor shall any person or persons suffer or permit his, her, or their Net Mooring or Net Moorings, to remain so set and placed, unless such person or persons shall set and affix a Net or Nets, or cause a Net or Nets to be set or affixed at least twelve hours in every forty-eight hours during the Fishing Season, provided such person or persons be not necessarily prevented from setting and affixing any Net or Nets to his, her, or their Net Mooring or Net Moorings, by stress of weather, the running of Dog Fish, or other unavoidable cause.

V. *And be it further enacted*, That every person who may hereafter set or place more than one Net Mooring on any part of the Shores and Borders of the said Bay, within the said County, shall place and set the same at the distance of sixty fathoms, and no more, from each other; and if any person or persons shall hereafter set or place any Net Mooring or Net Moorings, on any part of the Shores and Borders of said Bay, contrary to the provisions of this Act, such person or persons so setting the same, or the owner thereof, on being notified and required to move such Net Mooring or Net Moorings, by any Overseer or Overseers to be appointed under this Act, or by any other person or persons desirous of occupying the intervening fishing berth or berths, shall, on refusal so to do, be subject and liable to the penalty or penalties hereinafter mentioned and imposed.

VI. *And be it further enacted*, That no person or persons shall hereafter set or place any Net or Nets, Net Mooring or Net Moorings, within one hundred and fifty fathoms from low Water Mark on any or either of the hauling grounds on the Shores and Borders of said Bay, during the hauling season, and while there shall be stationed at any such hauling ground or grounds, at least one Seine, manned and prepared for hauling Mackerel or other Fish thereat.

VII. *And be it further enacted*, That the Master or Commander of every Ship or Vessel which may Anchor at any of the Landing Grounds, so called, within the said Bay, shall weigh Anchor and remove such Ship or Vessel therefrom, within a convenient time after he shall have been notified and requested so to do, by any Overseer or Overseers of Fishery, to be appointed under and by virtue of this Act. *Provided always*, that no Master or Commander of any Ship or Vessel, coming to anchor in any of the said hauling grounds for shelter or in stress of weather, or which, being at Anchor, cannot obstruct the passage of Fish, or the hauling thereof in Seines, shall be required to weigh Anchor or remove therefrom.

VIII. *And be it further enacted*, That no person or persons other than the Seine men, shall presume to lay hold of, tie or fasten, his or their Boat or Boats, to any Seine or Seines, enclosing, encircling or containing, any Mackerel or other Fish in the hauling grounds within the said Bay, or presume to dip any Fish from and out of any Seine or Seines that may be there hauled, until the Owner or Owners of such Seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take Fish thereout.

IX. *And be it further enacted,* That if any person shall offend against any of the foregoing enactments or provisions, such person shall forfeit and pay for each and every offence, as follows, that is to say:—For every breach of any such enactment or provision, for which no fine shall be hereinafter specifically mentioned and imposed, for the first offence a fine not less than Five Shillings, and not exceeding Twenty Shillings, and for every subsequent offence a fine not less than Twenty Shillings, and not exceeding Forty Shillings, and for the several offences following, that is to say:—for setting or placing any Net or Nets, or Net Mooring, or Net Moorings, nearer than one hundred and fifty fathoms to the low water mark, on any or either of the hauling grounds on the Shores and Borders of said Bay, during the hauling seasons, and whilst there shall be stationed at any such hauling grounds at least one Seine manned and prepared for hauling Mackerel or other Fish thereat—for the first offence not less than Fifty Shillings nor more than Five Pounds, and for every subsequent offence not less than Five Pounds, nor more than Ten Pounds; for anchoring at any of the hauling grounds within the said Bay, and not weighing Anchor and removing any Ship or Vessel therefrom, within a convenient time after being notified and requested so to do, by any Overseer or Overseers of Fishery, unless permitted to remain at anchor for the causes herein before mentioned, not less than Five Pounds nor more than Ten Pounds; for laying hold of, or fastening any Boat to, any Seine, enclosing or containing any Mackerel or other Fish, in any of the hauling grounds within the said Bay, or dipping any Fish from and out of any Seine that may be there hauled, contrary to the provisions of this Act—for the first offence, a fine not less than Twenty Shillings nor more than Five Pounds, and for every subsequent offence, not less than Five Pounds nor more than Ten Pounds.

Penalties for
violations of
Law

X. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace for the County of Guysborough, at any General or Special Sessions of the Peace, to appoint two or more Overseers of the Fisheries in said Bay, who shall be sworn to the faithful discharge of their duty, and any person so appointed as aforesaid shall be subject to a fine of Five Pounds, for neglecting or refusing to act or serve as an Overseer as aforesaid.

Appointment
of Overseers
of Fisheries

XI. *And be it further enacted,* That the said Overseers, or either of them, shall have power and authority to take into his or their possession any Net or Nets, Net Mooring or Net Moorings, which may be set and placed on the Shores and Borders of the said Bay, contrary to any of the foregoing enactments, and to retain such Net or Nets, Net Mooring or Net Moorings, until payment of the penalty or penalties that may be incurred for breach of the said enactments, and if no owner appear to claim the same in ten days after public notice shall have been given, of the removing and taking possession thereof, as aforesaid, the said Net or Nets, together with the Fish found therein, and the said Net Mooring and Net Moorings, shall be forfeited and sold, to satisfy the penalty or penalties aforesaid.

Power vested
in Overseers

XII. *And be it further enacted,* That all or any penalty or penalties, forfeiture or forfeitures, that may be incurred under this Act, shall be sued for and recovered by and in the name of the said Overseers, or either of them, before one Justice or two Justices of the Peace, for the said County, by the same process and with the same costs, according to the amount of any such penalty or penalties, as if the same was or were a private debt due to the said Overseer or Overseers, and, when recovered, shall be paid and applied one half to the Overseers, and the remaining one half thereof to the County Treasurer, to be applied and expended under the directions of the Court of General Sessions of the Peace for the said County, on the Highways, Roads and Bridges, in the Township or Settlement where the said penalties may be incurred.

Recovery and
of penalties

XIII. *And be it further enacted,* That no Master or other person, in charge or command of any Ship or Vessel, shall discharge or throw over any ballast from such Ship or Vessel in any part of the anchoring ground in Chedabucto Bay aforesaid, under a penalty of not less than Twenty Shillings, and not exceeding Five Pounds, to be sued for, recovered and applied, as hereinbefore provided, with respect to other penalties.

Masters of
Vessels not al-
lowed to throw
ballast on an-
choring ground
in Chedabucto
Bay

XIV. *And be it further enacted,* That the Act, passed in the first year of Her present Majesty's reign, entitled, An Act to regulate the Fisheries of Chedabucto Bay, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

Act 1, Vic.
repealed

Continuation of Act XV. And be it further enacted, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

Exactly similar is "An Act for the Regulation of the Fisheries in the County of Richmond, N.S. Statutes 1841 Cap. 24 CAP. XLV.

An Act to amend the Act relating to Passengers from Great Britain and Ireland, arriving in this Province.

(Passed 30th day of March, 1839.)

Preamble

WHEREAS, by the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act relating to Passengers from Great-Britain and Ireland, arriving in this Province, the Owner or Owners, Master or Commander of any Ship or Vessel arriving in any Port or Place in this Province, from any Port or Place in Great-Britain or Ireland, is liable to pay for every Passenger arriving in such Ship or Vessel, a certain sum, as in the said Act directed, which constitutes a direct charge upon the subjects of Her Majesty, when coming to this portion of Her Dominions. And whereas, it is expedient that some charge of the same description should be imposed upon alien Passengers coming into this Province, more particularly as such a duty or charge is in neighbouring Countries, not belonging to Her Majesty, exacted from Her Majesty's subjects when arriving there. And whereas, also it is expedient to make some provisions as to Passengers on board Ships putting into a Port in this Province, when not bound thither:

Head Money to be paid by Owners of Vessels bringing Passengers other than subjects of Her Majesty to this Province

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Owner or Owners, Master or Commander of any Ship or Vessel coming or arriving from any Port or Place whatsoever, out of Great-Britain or Ireland, to or in any Port or Place in this Province, having on board any Passenger or Passengers who may not be subject or subjects of Her Majesty, shall pay for every such Passenger the sum of Ten Shillings, which shall be collected, levied, secured, paid and applied, in the same manner, by the same means, by and to the same officers or persons, and under such and the like rules, regulations and provisions, as by the said Act herein before mentioned, and the Act passed in the sixth year of His said late Majesty's reign, are provided, directed, established, or in force, for or in respect of the sum of money, charge or duty, by the said Acts directed to be levied, paid and collected, and the said Acts, and every matter, clause and thing, therein contained, save and except the proviso to the second Clause or Section of the said first mentioned Act, so far as the same can apply or be made applicable thereto, shall be, and the same are hereby directed to be applied and made applicable to the sum of money hereinbefore directed to be levied, collected, secured, paid and applied.

Vessels with Passengers not originally bound to this Province putting into any port—Head Money not to attach to such Passengers—Lists of them to be furnished to Custom-House

II. And be it further enacted, That in any case wherein a Ship or Vessel having on board Passengers from any Port or Place whatsoever, which shall not be originally bound, designed or intended, for any Port or Place in this Province, shall, from any cause, be impelled to put into any such Port or Place, the sum of money herein mentioned shall not attach or be chargeable upon Passengers liable to pay the same, but a list of all the Passengers arriving in such Ship or Vessel, whether liable to pay under this Act or not, shall be delivered at the Custom House, as directed by the first clause of the said first mentioned Act, and under the same penalty, to be recovered, paid and applied in the same manner, for any neglect or false statement in such list or the declaration verifying the same, as prescribed by the sixth Section of the said Act.

Passengers to be re-embarked—or Bonds to be given if they remain that they will not become chargeable

III. And be it further enacted, That if it shall be necessary for any Passenger to be landed from any Ship or Vessel so putting into any Port or Place in this Province, as last aforesaid, such Ship or Vessel shall not be suffered or permitted to clear from the Custom-House or to leave such Port or Place until all Passengers so landed shall be actually re-embarked on board of the said Ship or Vessel, or in case any Passenger or Passengers shall desire to remain in this Province, until the Master or Commander of such Ship or Vessel shall have given bond to Our Sovereign Lady the Queen, Her Heirs and Successors, with two good and sufficient Sureties, which the Collector or principal Officer or Officers of the Customs

is hereby authorized and required to take in the penal sum of Fifty Pounds for each Passenger who shall so remain, conditioned, that no such Passenger shall become chargeable, on the Treasury, or upon any Township, Settlement or Place, or Poor Fund, within this Province, for the period of two years from the landing of such Passenger.

IV. *And be it further enacted*, That if any Passenger or Passengers landed from such Ship or Vessel, as aforesaid, shall have required public aid either from the Public Treasury or the Poor Fund, or from any Overseers of the Poor of any Township or Settlement in this Province, and such public aid shall have been provided for the support and sustenance of such Passenger or Passengers, the said Ship or Vessel shall be liable and responsible to the extent of the money or monies so advanced, and shall not be cleared out or suffered to depart from this Province until such money or monies shall have been fully repaid.

V. *And be it further enacted*, That if any Master or Commander shall refuse or neglect to give the bond hereinbefore required, in case of any Passenger or Passengers remaining in this Province, as hereinbefore mentioned, such Master or Commander shall pay for every Passenger who shall so remain the sum of Fifty Pounds, and for the payment of which and all other penalties under this Act, such Ship or Vessel shall be liable, and upon the refusal or neglect of the said Master or Commander to pay the same or to pay the monies necessarily expended in public aid, to any such Passenger or Passengers, as herein also before mentioned, it shall and may be lawful for the Collector or other principal Officer or Officers of the Customs to seize such Ship or Vessel, and to detain the same until payment respectively be made, and to proceed forthwith against such Ship or Vessel, by Action, Bill, Plaint or Information, in the Supreme Court or in the Court of Vice-Admiralty, in the name of the Collector or other principal Officer or Officers of the Customs for payment of such sums of money, wherewith, under the provisions of this Act, such Ship or Vessel may be chargeable.

V. *And be it further enacted*, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLVI.

An Act to continue and further to amend the Act for the encouragement of Schools, and the Acts to amend the same.

(Passed the 4th Day of April, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act for the encouragement of Schools, save and except the fifth Clause or Section thereof, which was repealed; and also, save and except so far as the same is altered or amended by the Acts hereinafter mentioned, or by either of the said Acts; also, the Act, passed in the sixth year of His said late Majesty's reign, entitled, An Act to continue and amend the Act for the encouragement of Schools, except so far as the same may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the first year of Her present Majesty's reign, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That in every County where there shall be no Combined Common and Grammar School, or where it shall be deemed advisable so to do, it shall and may be lawful for the Commissioners of Schools for the said County, to apply the monies allowed to such County, for Combined Common and Grammar Schools, to and for the use of the Common Schools in such County, or, if the said Commissioners shall deem it proper so to do, to concentrate and apply the allowance to such County, for two Combined Grammar and Common Schools for the use of any one such School in said County.

Passengers landed requiring public aid

Masters neglecting or refusing to give Bonds for Passengers, &c.

Continuation of Act

Acts 2 and 6, Wm. IV. and 1, Vic. continued (with exceptions)

Allowance to combined Common and Grammar Schools may be appropriated to Common Schools

Affidavit to be made by Trustees drawing money for combined Common and Grammar Schools.

Continuation of Act

III. *And be it further enacted,* That no money shall be drawn for any Combined Common and Grammar School, until an affidavit in writing shall be made by the Trustees of such School, or one of them, that such of the higher branches of learning as the Law requires are actually taught therein—which Affidavit shall be transmitted to the office of the Secretary of the Province, sworn and attested by and before a Justice of the Peace.

IV. *And be it further enacted,* That this Act shall continue and be in force for one year, from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XLVII.

An Act to incorporate the Wilmot Pier Company.

(Passed 30th Day of March, 1839.)

Preamble

WHEREAS, the erection of a Wharf or Pier at Wilmot, in the County of Annapolis, will be extremely beneficial to the trade of that part of the Province, and contribute to the security of Navigation—and it is therefore expedient to encourage the building of such Pier or Wharf :

Incorporation of Company

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Samuel Dodge, James Gates, Christopher Margeson, John B. Longley, William Randall, Granville B. Read, Joshua Morgan, Isaac Saunders, David C. Landers, Jacob Gates, James Parker, John Dodge, Ambrose Dodge, and such other person or persons as shall from time to time become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby, erected into a Company, and declared to be a Body, Politic and Corporate, in deed and in name, by the name of the Wilmot Pier Company, and by that name shall and may have succession and a Common Seal, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court or Courts of Law or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, take, receive, possess and enjoy, any Houses, Stores, Lands and Tenements, and Real Estate whatsoever, Materials, Goods, Chattles, and all other things, real, personal and mixed, and also, to give, grant, let, assign or convey, the same, or any part thereof, and to do and execute all other things, in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said Corporation; and also, that the said Company or the major part of them, shall, from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish, change, vary and alter, such Bye-Laws, Rules and Ordinances, as may be thought necessary for the good rule and government of the said Corporation; *Provided,* such Bye-Laws, Rules and Ordinances, be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same. *And provided also,* that such Bye-laws, Rules and Ordinances, shall not be of any force or effect until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor or Commander in Chief for the time being, nor until the same shall have been registered in the office of the Registrar of Deeds for the County of Annapolis.

Power and liabilities of Company

Bye-Laws, &c. may be established

Proviso

Bye-Laws to be submitted to Governor

Real Estate of Company

II. *Provided always, and be it further enacted,* That the said Company shall not have, take, hold, possess or enjoy, at any one time, Lands, Tenements or Hereditaments, of greater value than Two Thousand Pounds.

Officers of Company

III. *And be it further enacted,* That the said Company, and its affairs and business, shall be under the management and direction of a President, and such other Officers as shall, or may be named and designated by the Bye-laws of the said Company, and the capital of the said Company, shall be limited to the sum of Two Thousand Pounds, to be divided into shares of Five Pounds each, and such shares shall be assignable and transferable in such manner and upon such terms as by the said Bye-laws may be also provided and directed.

Capital of Company

Company empowered to erect Pier

IV. *And be it further enacted,* That it shall and may be lawful for the said Company, when formed, to build and erect a public Pier or Wharf, on the South Shore at Gates Mountain, in the Township of Wilmot, which shall be open and free for the use of all Ships and Vessels.

Vessels, and persons whomsoever, subject to such rates of Wharfage as shall be fixed and established by the said Company, by and with the consent, sanction and approbation, of the Court of General Sessions of the Peace for the County of Annapolis.

Pier open to Public

V. *And be it further enacted*, That for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interests of the Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be personal property; to all intents and purposes whatsoever.

Shares deemed personal property

VI. *And be it further enacted*, That all such Lands and Real Estate, or so much thereof as may be necessary to satisfy the same, may be taken under any Writ of Execution, issued upon a Judgment obtained against the said Corporation, and sold in the same manner as Goods and Chattles may be taken and sold; and the Sheriff shall, immediately after such Sale, make and execute a deed to the purchaser, which deed shall convey and transfer all the Estate and Interest of the said Corporation, in the Lands so taken, sold and conveyed.

Real Estate may be taken under execution

Sheriff to give deed and transfer property

VII. *Provided always, and be it further enacted*, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any Banking operations whatever, or to become Underwriter or Underwriters upon any insurance on a Ship or Vessel, or Marine risk, or upon any loss by fire, or upon any life or lives.

Restrictions imposed on Company

VIII. *And be it further enacted*, That the names of all the Members of the said Corporation, and the number of Shares owned by them respectively, shall be registered in the office of the Register of Deeds, in the County of Annapolis, and no transfer of any share in said Corporation shall be final and effectual, until the certificate thereof shall have been registered in the said office, to the end that it may be publicly known who are the persons composing the said Corporation.

Names of shareholders to be registered

Transfers of shares

IX. *Provided always, and be it further enacted*, That nothing herein contained, shall extend, or be deemed, construed or taken, to extend to relieve or discharge the said Company, or any of the present or future Proprietors or other Holders of Shares in the said Company, from any responsibility, contract, duty, or obligation whatsoever, to which by Law, they, he or she, now is or at any time hereafter may be or would have been subject or liable, had not this Act been passed, as between such Company and any other Party or Parties whomsoever, in any manner or way howsoever, and the said Proprietor or Holder of Shares in the said Company, their Lands, Goods and Chattles, shall be liable under any Execution that may be issued against the said Corporation, in the same manner, and to the same extent as if this Act had not been passed.

Liability of shareholders

X. *And be it further enacted*, That this Act shall continue and be in force for fifteen years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

CAP. XLVIII.

An Act to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of the reign of His late Majesty King George the Third, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, also, the Act, passed in the tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act in amendment of an Act, made and passed in the Thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution

52, Geo. III.
10, Geo. IV.
4, Wm. IV.
continued

tion

bution of the Estates of Intestates; and the Act, passed in the Thirty-fourth year of His said late Majesty's Reign, in amendment of the said Act, and every matter, clause and thing, therein contained; also, the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLIX.

An Act to continue the Act to preserve the Harbor of Cape Forchu, in Yarmouth.

(Passed the 30th day of March, 1839.)

Act 2, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to preserve the Harbor of Cape Forchu, in Yarmouth, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. L.

An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(Passed the 30th day of March, 1839.)

10, Geo. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, an Act made and passed in the tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act in addition to, and in amendment of, an Act, passed in the third year of the reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LI.

An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

(Passed the 30th Day of March, 1839.)

10, Geo. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP.

CAP. LII.

An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 2, Wm. IV. continued

CAP. LIII.

An Act to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax and other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, and every matter, clause and thing, in the said Act contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 4, Geo. IV. continued

CAP. LIV.

An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts passed in the fifty-first and fifty-third years of His said late Majesty's reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 48, Geo. III., 51 & 53, Geo. III. continued

CAP. LV.

An Act to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.

(Passed the 30th Day of March, 1839.)

1. Vic. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the first year of the reign of Her present Majesty, entitled, An Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LVI.

An Act to change and alter the North and East side lines of a certain Lot of Land situate on the West side of Water Street, in the Town of Halifax.

(Passed the 4th Day of April, 1839.)

Preamble

WHEREAS, Daniel Starr and John Edward Starr, both of Halifax, Merchants, are the Owners and Proprietors of a certain Lot of Land situate in the Town of Halifax, which, by the ancient description thereof, is meted and bounded as follows, that is to say: All that Messuage, Tenements and Lot of Ground, situate, lying and being, in Water Street, in the Town of Halifax aforesaid, formerly the Property of the Honorable Alexander Brymer, bounded on the east by said Water Street, there measuring sixty-two feet or thereabouts; on the north by a Street running between the Ordnance Stores and the Dwelling House lately standing on the said lot, there measuring eighty-three feet eight inches, or thereabouts; on the west by Hollis Street, there measuring fifty feet two inches, or thereabouts; on the south by the Premises adjoining the said lot, and occupied by the Heirs of the late James Bowen:

And whereas, the said Daniel Starr and John Edward Starr lately applied to the Commissioners of Streets for the Town of Halifax, for leave to alter and change the North and East side lines of the said lot of Land, and, upon an admeasurement and survey thereof being made under the direction of the said Commissioners, it fully appears that it would be greatly for the benefit of the Public and convenient for the Owners, that the North and East side lines of the said lot should be changed and altered, so as to give to the public the benefit of a wider Street on the east side of the said Lot, and that the Owners should receive an equivalent therefor, on the north side thereof:

And whereas, the said Commissioners and Owners, and the Grand Jury for the Town of Halifax, have respectively concurred in, and signified their approbation of, the said change and alteration of the said lines:

North and East Boundary Lines of Lot established

I. *Be therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and henceforth, the North and East Boundary lines of the said lot of Land shall be established and described as follows, that is to say: beginning at the north west angle of the said lot, and running from thence eastwardly seventy-six feet six inches, to a point four feet four inches north from the former boundary, and from the said point running southwardly by a direct line on Water Street sixty-seven feet two inches to the south east angle of the said lot.

Proviso

II. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to divest any other person or persons, save only the said Daniel Starr and John Edward Starr, and those claiming under them, of any Estate, Title or Interest, of and in the said lot of Land hereinbefore mentioned.

CAP. LVII.

An Act to continue the Act for the better regulation of Sable Island, in this Province.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the first year of Her present Majesty's reign, entitled, An Act for the better regulation of Sable Island, in this Province, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly. 1, Vic. continued

CAP. LVIII.

An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Acts relating to Commissioners of Sewers, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 5, Wm. IV. continued

CAP. LIX.

An Act to continue the Act concerning Malicious Injuries to Property.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act concerning Malicious Injuries to Property, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 2, Wm. IV. continued

CAP. LX.

An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of holding the Circuits of the said Court, and the Acts in amendment thereof.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court in the several Counties and Districts of this Province, 4, (with exceptions) 5, 6, 7, Wm. IV. and 10 Vic. continued

and every matter, clause and thing, therein contained, except so far as the same have been altered by an Act, passed in the fifth year of the reign of His said late Majesty King William the Fourth, entitled, An Act to discontinue one Sitting of the Supreme Court in each year, in the Upper and Lower Districts of the County of Sydney, and for altering the Sitings of the said Court in the said County, and in the County of Cape-Breton, and except also in so far as the same is or may be altered by the Act hereinafter mentioned; also, the Act, passed in the seventh year of His said late Majesty's reign, to continue and amend the said first mentioned Act; also the Act, passed in the first year of Her present Majesty's reign, to continue and in amendment of the said first mentioned Act, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXI.

An Act to continue the Act to lessen the expense of the proof of Written Documents, in Actions depending in any of the Courts within this Province.

(Passed the 30th Day of March, 1839.)

3, Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXII.

An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

(Passed the 30th Day of March, 1839.)

2, Wm. IV.
(with excep-
tions) and 5,
Wm. IV. con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, save and except the twelfth Clause or Section thereof; and also, except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of His said late Majesty's reign, entitled, An Act to amend and continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIII.

An Act to continue and further amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Act in amendment thereof.

(Passed the 4th Day of April, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, except so far as the same is altered or amended by the Acts hereinafter mentioned, and also, except the eighth Clause or Section thereof, which is hereby repealed; also, the Act, passed in the sixth year of the reign of His said late Majesty, entitled, An Act to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, so far as respects the District of Halifax; also, the Act, in the same sixth year of His said late Majesty's reign, to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes; also, the Act, passed in the first year of Her Majesty's reign, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, except as hereinafter amended, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, except as hereinafter amended, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly; and for the more speedy and effectual enforcement of the assessment and collection of the Rates for County charges within the several Townships and Settlements, situate in the County of Halifax, without the Town of Halifax.

II. *Be it further enacted.* That, in regard to the other Townships and Settlements within the said County of Halifax, situate without the Town of Halifax, the assessment or rates for County charges, shall be raised, collected and levied, in the manner prescribed by the said Act, made and passed in the fifth year of the reign of His late Majesty King William the Fourth, hereby continued with, and subject to, the following alterations, that is to say:—that immediately after the assessment upon such Townships and Settlements respectively shall have been returned by the Assessors for such Townships and Settlements respectively, to the Clerk of the Peace, as provided in and by the twenty-third Clause or Section of the said Act, the Court of General or Special Sessions of the Peace shall, upon the recommendation of the County Treasurer, appoint one or more Constables, or other person or persons, to collect the same; and the said County Treasurer shall be liable for all Monies that may be collected or come into the hands of such Constables or other Collectors, under or on account of such assessments, and the Clerk of the Peace shall forthwith furnish the said County Treasurer with rolls of the said assessment for each of the said Townships and Settlements respectively; and the said County Treasurer shall thereupon issue precepts under his hand, to the said Constables or other Collectors respectively, requiring them severally to levy the sums assessed and rated for and in the several Townships and Settlements respectively, for which they may have been appointed; and the said Constables and other Collectors shall proceed to collect the same without delay, and to pay over the monies by them received to the said County Treasurer, and every such Constable or other Collector shall make a general return to some Justice of the Peace within the Township or Settlement, or in case no Justice of the Peace shall reside therein, then to some other Justice of the Peace in said County of Halifax, of each and every person who, after demand made, shall have neglected or refused to pay the sum assessed upon such person, and shall make oath in writing before such Justice, specifying the name of each and every person so neglecting or refusing to pay, and the sum assessed upon such person, and also, stating that a demand hath been made upon such person for the sum so assessed, and that he or she hath neglected or refused to pay the sum so assessed, and thereupon such Justice of the Peace shall forthwith issue a general warrant of distress against the said several persons named in such affidavit, or in the return of such Collector therein referred to, directed to some Constable, not being such

Act 5, Wm. IV. continued except as herein altered, and also except 8th Section; and Acts 6, Wm. IV, and 1, Vic. continued except as herein after altered

Mode of Assessment within the Co. of Halifax and without the Township

Clerk of the Peace to furnish Rolls of the Assessment for each Settlement

Warrant of Distress to issue against persons refusing or neglecting to pay

such Collector, commanding him to levy from the Goods and Chattles of each and every person named in the said warrant the sum therein mentioned, as assessed against such person, with the fees of the Constable for travel and serving such warrant, and such Constable shall forthwith proceed to execute such warrant in the usual manner, and, upon the collection and receipt of any monies thereunder, shall immediately pay over the same to the said Collector for such Township or Settlement, who shall forthwith pay the same to the said County Treasurer.

Commissions to Collectors to be established by Court of Sessions

III. *And be it further enacted*, That the Court of General or Special Sessions for the said County of Halifax shall, and are hereby authorised to, establish the rate of Commissions to be allowed to the Collectors of the said rates—the said Commissions however not to exceed Five Pounds for every Hundred Pounds by them collected.

Constable refusing or neglecting to act as Collector liable to a penalty

IV. *And be it further enacted*, That each and every Constable or other person so appointed a Collector as aforesaid, who shall neglect or refuse to take upon himself or perform the duties of the said office, shall forfeit and pay a penalty of Five Pounds, to be sued for, and recovered with costs, in the name of the said County Treasurer, in like manner as a debt of the like amount would or might by Law be sued for and recovered—the said penalty when collected, to be paid into the County fund; and if after collection or receipt of any sum of money, part of said assessment, by any Constable or Collector, the same shall be unpaid into the County Treasury, within the space of twenty-one days after such collection or receipt thereof, the said County Treasurer shall be liable for, and chargeable with, the same, and shall be held and taken to have received the same, unless the Court of Sessions shall, under the circumstances, deem that he ought not to be charged therewith.

Continuation of Act

V. *And be it further enacted*, That this Act shall continue and be in force for one year from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIV.

An Act to continue the Act relating to Marriage Licenses.

(Passed the 30th Day of March, 1839.)

2, Wm. IV. continued

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act relating to Marriage Licenses, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXV.

An Act to continue the Act relating to the Court of Commissioners at Halifax.

(Passed the 30th Day of March, 1839.)

4, Geo. IV. continued

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act, made and passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act relating to the Court of Commissioners, at Halifax, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXVI.

An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the third year of His said late Majesty's reign, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

2, Wm. IV. 3.
Wm. IV. continued

CAP. LXVII.

An Act to continue the several Acts concerning the Bridewell and Police in Halifax.*(Passed the 30th Day of March, 1839.)*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell or House of Correction, for the County of Halifax, and for the better and more effectual Administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing, therein contained, save and except the tenth Section of the said Act; and also, an Act, passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, save and except the fourth Section of the said Act; and also, an Act, passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act, passed in the second year of the reign of His late Majesty King William the Fourth, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 55, Geo. III, (except the 10th Section) 10, Geo. IV, (except the 4th Section) 11, Geo. IV, and 2, Wm. IV, continued

CAP. LXVIII.

An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.*(Passed the 30th day of March, 1839.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act for the more easy Redemption and Foreclosure of Mortgages, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

3, Wm. IV. continued

CAP. LXIX.

An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.*(Passed the 30th Day of March, 1839.)*Act 3, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to encourage the killing of Bears, Loup Cerviers and Wild Cats, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXX.

An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.*(Passed 30th Day of March, 1839.)*4, Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth entitled, An Act in amendment of the Act relating to Highways, Roads and Bridges, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXI.

An Act to continue the Act respecting the Collection of Poors' Rates of Pictou.*(Passed the 30th Day of March, 1839.)*6, Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act respecting the collection of Poors' Rates of Pictou, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXII.

An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.*(Passed the 30th Day of March, 1839.)*3, Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pugwash, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIII.

An Act to provide for the settlement of equitable claims upon Real Estate in certain cases.

(Passed the 4th day of April, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That when any action, whether by ejectment or otherwise howsoever, has been, or may hereafter be, commenced against any person for the recovery of any Lands or Tenements, holden by such person, by virtue of a possession and improvement, and which the person or persons under whom he claims, has had an actual and bona fide possession of, for the term of fifteen years or more before the commencement of such action, the Jury which try the same, if they find a verdict for the Plaintiff, shall (if the Defendant so request) also inquire, and by their verdict ascertain the increased value of the premises, by virtue of the Buildings and improvements made by such Defendant or those under whom he may claim, in which case the Jury shall also, by their verdict, ascertain the value and benefit of the rents, produce and profits, and use and occupation of the Land and Premises, during the time of the occupation of the Defendant, and those under whom he may claim; and the Jury shall also (if the Plaintiff request it) ascertain what, at the time of trial, would have been the value of the Premises in question, had no buildings or improvements been made by such Defendant or those under whom he may claim; and if, during the Term in which such verdict shall have been given, the Plaintiff shall make his election on record in open Court, to abandon the Premises in question to the Defendant, at the price estimated by the Jury as aforesaid, then no Judgment for possession shall be entered up, but Judgment for the sum so estimated, with costs of suit, shall be entered in favor of the Plaintiff against the said Defendant, upon which Judgment execution may be issued in the usual manner, and subject to the lien created by such Judgment upon the Premises in question, the Defendant and his heirs shall have a good title to such Premises against the Plaintiff or person claiming the Land, his and their heirs forever; and if the Plaintiff shall not so make his election on record as aforesaid, no writ of habere facias or seisin or possession shall issue, on a Judgment founded on such verdict, unless the Plaintiff shall, within one year from the giving of such verdict, have paid into the Office of the Prothonotary or Deputy Prothonotary of the same Court, or to such other person as the Court may, for that purpose, appoint for the use of the Defendant, or the person or persons justly entitled thereto, to be adjudged of by the Court, such sum as the Jury shall have assessed for buildings or improvements as aforesaid, after deducting therefrom the sum found or assessed as aforesaid, for rents, produce or profits, or use and occupation, as aforesaid, and a new action for the recovery of the same premises shall not be sustained in any Court, unless the Plaintiff shall first have paid to the Defendant all such costs as would have been taxed for him, had he prevailed in the first suit. *Provided nevertheless*, that nothing herein contained shall extend to any action which is or may be commenced by any Mortgagee, his Heirs or Assigns, against any Mortgagor, his Heirs or Assigns, or to any parties between whom the relation of Landlord and Tenant actually exists, or has arisen by privity of contract, in regard to the premises that may be in question, or to any case in which the Defendant shall have entered upon the Land, with the permission of the Plaintiff in such Action, or those under whom the Plaintiff claims, nor to any person who shall have entered upon any such Land, with notice or knowledge of the title thereto, of the party claiming the same, in any such Action, or those under whom such party may claim.

II. *And be it further enacted*, That no Defendant against whom a judgment shall be entered in any case where the value of the buildings or improvements shall have been ascertained, as aforesaid, shall unnecessarily cut any Wood or take any Timber from off the premises, recovered against him or her, or make any strip or waste whatever thereof, and such Defendant shall be liable to answer therefor, in the same way and manner he would have done, had judgment for possession been entered on the verdict, and possession actually delivered in execution of such judgment.

III. *And be it further enacted*, That to constitute the possession and improvement intended

In any action for the recovery of Land holden by possession Jury may ascertain the increased value of the premises by buildings, &c. made by Defendant, and May also ascertain the rents produce, &c. of the Land during the occupation of Defendant And what would have been the value of the Premises without Buildings If Plaintiff abandon the Premises at the price estimated

If Plaintiff shall not make his election no habere facias shall issue unless he shall pay what is assessed for buildings, &c. after deducting rents, &c. New action not to be brought unless Plaintiff first pay costs *Proviso*

Defendant against whom a Judgment has been entered shall not cut Timber, &c.

by

Not necessary that the Land should be surrounded by Fences

No part of the Premises to be excluded from the valuation

Persons interested in a similar manner not to be Jurors

Proviso

New trial how to be obtained and upon what terms

Court authorized in certain cases to name County in which new trial to be held

Rules for conducting trials

Nothing herein to prevent the Court from granting new trials under the ordinary rule
Proviso

The meaning of certain words used in this Act

by this Act, it shall not be deemed necessary that the premises defended shall have been surrounded by fences, or rendered inaccessible by other obstructions, but it shall be sufficient if the possession, occupancy and improvement thereof, by the Defendant or those under whom he claims shall have been open, notorious and exclusive, comporting with the ordinary management of similar estates in the possession and occupancy of those who have title thereto, and satisfactorily indicative of such exercise of ownership as is usual in the improvement of a Farm by its owner, and no part of the premises in question shall be excluded from the appraisement or valuation herein provided, because the same may be wood land, or without actual cultivation. *Provided always*, that no person shall in any case be entitled to claim any greater quantity of Land than fifty acres of Wilderness, in addition to such Land as may be actually cleared and improved, as aforesaid.

IV. *And be it further enacted*, That if any person shall be called upon a Jury for the trial of any such action, where the value of the buildings or improvements is to be ascertained, or the value of the premises estimated by the verdict as aforesaid, where such person shall be interested in a similar manner, either as proprietor, occupier or claimant, such interest shall be a good cause of peremptory challenge to such Juror. *Provided always*, that in all cases when a verdict shall be found under this Act, the party Plaintiff shall be entitled to a new trial to be had in the same County, in which such verdict may be had, or in any other County, at his option.

V. *And be it further enacted*, That if the Plaintiff in any such cause shall, under the provisions of this Act, require a new trial in the same County where the first trial was had, or in any other County, the Court where the said cause is tried shall order such new trial accordingly; but if it shall be of opinion that there is no just occasion for such new trial, then it shall order that the Plaintiff shall prosecute such new trial at his own expense, and in all cases where the Plaintiff shall, under the provisions of this Act, require a new trial, whether the Court shall think there is just occasion therefor or not, the Plaintiff shall pay not only his own but the Defendant's costs of such new trial, if, by the verdict of the Jury on such second trial, the difference between the value of such improvements as aforesaid, and of the rents, produce and profits, or use and occupation of the Land in question, shall not be less than such difference was by the first verdict, or if the value of the Land as unimproved shall not be assessed at a higher rate by such second verdict than it was assessed by such first verdict, and in no case of such new trial shall the Defendant pay the Plaintiff's costs of such new trial until the Court shall so specially order.

VI. *And be it further enacted*, That if the Court shall think that the County, which the Plaintiff may name for such new trial, is not appropriate for such trial, or is so situated as to render a trial there oppressive or unfair to the Defendant, then the Court shall have the power to name the County where such new trial shall be had, being a different County from that where the first trial was had.

VII. *And be it further enacted*, That the Supreme Court shall have power to make rules for the conducting of such new trials, and the return of the Postea, after such new trial to the County where the venue was originally laid, and the entry of final judgment in the cause.

VIII. *And be it further enacted*, That nothing herein contained shall prevent the Court from granting new trials after either a first or second trial in any such cause, upon the application of either the Plaintiff or Defendant, according to the rules of the said Court in other cases of like nature; *provided*, that whenever the Plaintiff shall make any such application for a new trial under the ordinary rules of practice of the Court, then such application shall be held to be and be a waiver of the peremptory right to a new trial given by this Act.

IX. *And be it further enacted*, That wherever the several terms or expressions following shall have occurred in this Act, the same shall be construed respectively in the manner hereinafter directed, that is to say, that the term "Plaintiff" shall be construed to mean either the Plaintiff or Plaintiffs, or lessor or lessors of the Plaintiff, or other person or persons whomsoever, claiming to recover any Lands, Tenements or Hereditaments, or the possession thereof, in any Action or Suit whatsoever; and that the term "Defendant" shall be construed to mean either Defendant or Defendants, or any person claiming to hold any Lands, Tenements

Tenements or Hereditaments whatsoever, or to be reimbursed the value of any outlay or improvement thereon under the provisions of this Act.

IX. *And be it further enacted*, That nothing in this Act contained shall be of any force or effect until Her Majesty's Assent shall be signified thereto.

Suspending
Clause

CAP. LXXIV.

An Act to continue the Act to regulate certain Landings in the County of King's County.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act to regulate certain Landings in the County of King's County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

5, Wm. IV.
continued

CAP. LXXV.

An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act to prevent damage to the Nets of Fishermen by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

5, Wm. IV.
continued

CAP. LXXVI.

An Act to continue the several Acts for the prevention of Smuggling.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the prevention of Smuggling, which Act will continue in force and be in operation until the thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said Act contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of the reign of His said late Majesty King William the Fourth, to continue and amend the said first mentioned Act, and which said last mentioned Act will also continue in force, and be in operation until the thirty-first day of March, in this same year, One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said last mentioned Act contained, shall remain thenceforth in operation, and the said Acts, except as aforesaid, are hereby respectively further continued

4 & 5, Wm.
IV., continued
(with excep-
tions)

until

until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

CAP. LXXVII.

An Act to continue the Act for regulating the Exportation of Red or Smoked Herrings.

(Passed the 30th Day of March, 1839.)

3. Wm. IV.
continued

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Exportation of Red or Smoked Herrings, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXVIII.

An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

(Passed the 30th Day of March, 1839.)

51, Geo. III.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act to amend an Act, passed in the twentieth year of His Majesty's reign, entitled, An Act for establishing a Public School in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIX.

An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases.

(Passed the 30th Day of March, 1839.)

4 & 5, Geo.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the fourth and fifth year of the reign of His late Majesty King George the Fourth, entitled, An Act to restrain the issuing Writs of Attachment in certain cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXX.

An Act to continue the Act to enable the Proprietors of Land in the Rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same.

(Passed the 30th Day of March, 1839.)

4, Geo. IV,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled,

entitled, An Act to enable the Proprietors of Land in the rear blocks or divisions of Land in the Township of Guysborough, to open Roads through the same, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXI.

An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 3, Wm. IV.
continued

CAP. LXXXII.

An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into the Province.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the importation of improved Breeds of Cattle into this Province, and the bounty therein mentioned, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 2, Wm. IV.
continued

CAP. LXXXIII.

An Act to continue the Act, additional, concerning Nuisances.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act additional concerning Nuisances, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. 5, Wm. IV.
continued

CAP. LXXXIV.

An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

(Passed the 30th day of March, 1839.)

4, 5 & 9, Geo.
IV,—7, Wm.
IV,—1, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fourth and fifth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act made and passed in the ninth year of His said late Majesty's Reign, to continue, alter and amend, the said Act, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Acts hereinafter mentioned; also, the Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts, and every matter, clause and thing, therein contained; also, the Act passed in the first year of Her present Majesty's Reign, entitled, An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said several Acts, except as before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXV.

An Act to provide for opening the New Road between Halifax and Saint Mary's.

(Passed 4th Day of April, 1839.)

£2000 appro-
priated for o-
pening Road
from Halifax
to St. Mary's

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the sum of Two Thousand Pounds shall be granted and placed at the disposal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to be drawn from and out of such Monies as shall or may from time to time be and remain in the Treasury of the Province, to be applied as follows, that is to say:

For opening the Road on the line surveyed by Messieurs Taylor and McKenzie, from Dean's Brook, in Upper Musquedobit, to Wallace Bridge, on the Saint Mary's River, the sum of Eight Hundred and Fifty Pounds.

And for the opening of the same Road between the intersection of the Canal, near Taylor's Mill and Cruickshanks', in Musquedobit, on the same line, the sum of One Thousand One Hundred and Fifty Pounds.

II. *And be it further enacted,* That from and out of the Monies appropriated, or to be appropriated, for the service of Roads and Bridges in and for the several and respective Counties of Halifax and Guysborough, for this year One Thousand Eight Hundred and Thirty-nine, there shall be retained and deducted the following sums: from the County of Halifax, One Hundred and Fifty Pounds; from the County of Guysborough, One Hundred Pounds; and from and out of any Monies hereafter to be appropriated for the service of Roads and Bridges for the said several Counties in the years following: there shall be deducted and retained in the year of Our Lord One Thousand Eight Hundred and Forty, from the County of Halifax, Two Hundred Pounds; and from the County of Guysborough, One Hundred and Fifty Pounds; and in the year One Thousand Eight Hundred and Forty-one, from the County of Halifax, Two Hundred Pounds; and from the County of Guysborough, Two Hundred Pounds, which said sums being in all One Thousand Pounds, shall be so deducted and

Deductions
hereafter to be
made from
Monies appro-
priated to
Counties of
Halifax and
Guysboro'

and retained from and out of such Monies, as and for a repayment of so much of the said sum to be advanced and expended under and by virtue of this Act.

CAP. LXXXVI.

An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly; That an Act, made and passed in the ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis; and also, the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

9 Geo. IV, 4
Wm. IV, con-
tinued

CAP. LXXXVII.

An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also the Act, passed in the fifth year of His said late Majesty's Reign, to amend the said first mentioned Act, and every matter, clause and thing, therein contained, shall be continued, and the said Acts, except as aforesaid, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4 Wm. IV,
and 5 Wm.
IV, continued

CAP. LXXXVIII.

An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Fishery in the River Shubenacadie, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly.

4 Wm. IV,
continued

CAP. LXXXIX.

An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Act in amendment thereof.*(Passed the 30th Day of March, 1839.)*2 Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to Passengers from Great-Britain and Ireland arriving in this Province; also, the Act, passed in the sixth year of His said late Majesty's Reign, to continue and amend the said Act, shall be continued, and the said several Acts, and every matter, clause and thing therein contained, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XC.

An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.*(Passed the 30th Day of March, 1839.)*3 Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to authorise the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCI.

An Act to continue the Act in amendment of an Act, made and passed in the First and Second Years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.*(Passed the 30th Day of March, 1839.)*1 Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCII.

An Act to continue the Act concerning Goods exported, and for granting Drawbacks.*(Passed the 30th Day of March, 1839.)*Act 4, Wm.
IV. (save 2d &
31st Sections)
continued

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Goods exported and for granting Drawbacks, which Act will continue

in

in operation until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said Act contained, save and except the second and thirty-first Clauses or Sections of the said Act, shall thenceforth remain in operation and be further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty, and no longer.

CAP. XCIII.

An Act to continue the Act for the general regulation of the Colonial Duties.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the General Regulation of the Colonial Duties, which Act will continue in operation until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-nine, and every matter, clause and thing, in the said Act contained, save and except the third Clause or Section thereof, shall thenceforth remain in operation, and be further continued until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty, and no longer.

Act 4, Wm. IV, continued (except the third Clause)

CAP. XCIV.

An Act to continue the several Acts now in force for the Inspection of Flour and Meal.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Third year of the reign of His late Majesty King William the Fourth, entitled, An Act for the Inspection of Flour and Meal; also, the Act, passed in the Fourth year of His said late Majesty's reign, to amend and continue the said Act; also, the Act, passed in the Sixth year of His said late Majesty's reign, entitled, An Act to amend and continue the Acts for the Inspection of Flour and Meal, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, are hereby respectively continued for three years, and from thence to the end of the then next Session of the General Assembly.

Acts 3, 4 and 6, Wm. IV, continued

CAP. XCV.

An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm. IV, continued

CAP. XCVI.

An Act to continue the Act for the Summary Trial of Actions in the Island of Cape-Breton.*(Passed the 30th Day of March, 1839.)*Act 7, Wm.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act for the Summary Trial of Actions in the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCVII.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.*(Passed the 30th Day of March, 1839.)*Acts 11, Geo.
IV, and 1 & 2,
Wm. IV, con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts, passed in the first and second years respectively of the Reign of His late Majesty King William the Fourth, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCVIII.

An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.*(Passed the 30th day of March, 1839.)*3 & 6, Geo.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the third year of the reign of His late Majesty King George the Fourth, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the sixth year of His said late Majesty's reign, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, to continue and amend the said Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCIX.

An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.*(Passed the 30th day of March, 1839.)*6, Wm. IV,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax, and

and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. C.

An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to provide against the occurrence of Diseases from the Bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

3, Wm. IV.
continued

CAP. CI.

An Act to continue the Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton.

(Passed the 30th day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act relative to the assessment of Dyke Rates for the new or Wickwire Dyke in Horton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

6, Wm. IV.
continued

CAP. CII.

An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fiftieth year of the reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, passed in the Thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

50, Geo. III,
continued

CAP. CIII.

An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.

(Passed the 30th Day of March, 1839.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, and every matter, clause and thing, therein contained, shall be continued, and the same

5, Wm. IV.
continued

same are hereby continued for one year, and from thence to the end of the then-next Session of the General Assembly.

CAP. CIV.

An Act to continue the Acts for the support and regulation of Light Houses.

(Passed the 30th Day of March, 1839.)

4, Wm. IV,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of Light-Houses, and every matter, clause and thing, therein contained; also, the Act, passed in the First year of Her present Majesty's reign, to amend the said Act, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. CV.

An Act to continue the Act to provide for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

(Passed the 30th Day of March, 1839.)

58, Geo. III,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Fifty-eight year of the reign of His late Majesty King George the Third, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. CVI.

An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Re-grating and Monopolizing, of Cord Wood, in the Town of Halifax.

(Passed the 30th Day of March, 1839.)

7, Geo. IV,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Re-grating and Monopolizing, of Cord Wood in the Town of Halifax, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.