

Manly

Prince Edward Island. laws statutes, etc. Session laws

THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

FOR THE YEAR

1840.



CHARLOTTETOWN:

PRINTED BY JAMES DOUGLAS HAZARD, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1840.

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Anno III. *Victoriæ Regiæ.*

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ANNO TERTIO
VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's 1840.

Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-second Day of *January*, *Anno Domini* 1839, in the Second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

Sir CHARLES
A. FITZ ROY,
Lieut. Governor.

R. HODGSON,
President of
Council.

And from thence continued by several Prorogations, to the Twenty-eighth day of *January*, 1840, and in the Third Year of Her said Majesty's Reign; being the Third Session of the Fifteenth General Assembly convened in the said Island.

W. COOPER,
Speaker.

CAP. I.

An Act to amend an Act, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

[Passed April 29th, 1840.]

WHEREAS it is expedient to amend an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other pur-*

Commissioners and Overseers to attest their Returns before a Justice of the Peace.

Penalty for neglecting or refusing to attest the same.

Mode of recovery of Penalty.

Appropriation of Penalty.

poses therein mentioned: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, every Commissioner of Highways, and Overseer of Statute Labour, shall, and he is hereby required, previous to transmitting the Returns now prescribed by Law, to certify and attest to the same, before one of Her Majesty's Justices of the Peace, in the form set forth in the Schedule to this Act annexed; and in case any such Commissioner or Overseer shall neglect or refuse to certify and attest to the Returns as herein directed, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered in way and manner set forth in the Fourth Section of the Act, to which this is an amendment; which said Fine shall be paid into the Treasury, to and for the use of Her Majesty's Government.

Commissioners to give 14 days Notice of all Moneys to be expended for Roads, &c.

Notice to be inserted in Newspapers of this Colony.

Township No. 20, and part of 21, to Westward of South West River of New London, to form part of District No. 3.

II. And be it enacted, That the Notice hereafter to be given, by any Commissioner of Highways, or other person appointed to lay out and expend the public moneys appropriated for the making and repairing of Roads and Bridges, shall, and the same is hereby reduced, to the period of Fourteen days, instead of One Month, as prescribed in the before recited Act, to which this is an amendment; and such Notice shall be inserted in each of the public Newspapers of the Colony.

Mode of recovery of Penalties, under Statute Labour Act 3d Will. 4, cap. 2.

III. And be it enacted, That Township Number Twenty, and that part of Township Number Twenty-one, situate to the Westward of the South West River, New London, shall from henceforth form part of Road District Number Three, instead of District Number Five, as heretofore, any Law to the contrary notwithstanding.

IV. And whereas it is enacted, That the several Fines and Penalties imposed by the herein before recited Act, shall be recovered in way and manner pointed out in the Fifth Section of the said

Act; and whereas the Fourth Section of the said Act only relates to the recovery of such Fines and Penalties: Be it therefore enacted, that the words "Fourth Section" shall hereafter be substituted for and instead of the words "Fifth Section," as mentioned in the said recited Act, as often as the same shall occur, and relate to the mode and manner of enforcing Fines and Penalties—any thing in the said recited Act to the contrary notwithstanding.

SCHEDULE to which this Act refers.

*Form of Oath to be made by Commissioner, and
attached to his Return.*

Form of Com-
missioner's Oath.

I *A. B.* do swear, that the Return now made by me is just and true, and contains a correct account of the receipt and expenditure of all Moneys received by me as Commutation of Statute Labour within the District for which I am Commissioner during the current year.

So help me GOD.

A. B., Commissioner.

Sworn before me,

C. D., J. P.

*Form of Oath to be made by Overseer of Statute
Labour, and attached to his Return.*

Form of Over-
seer's Oath.

I *A. B.* do swear, that the Return now made by me is just and true, and contains a correct account of all persons liable to perform Statute Labour within the Precinct for which I have been appointed, to the best of my knowledge and belief—the quantity of labour performed by each individual, and amount of Commutation money received by me during the current year, and how expended.

So help me GOD.

A. B., Overseer.

Sworn before me,

E. F., J. P.

CAP. II.

An Act to explain and amend an Act, intituled *An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.*

[Passed April 29th, 1840.]

WHEREAS doubts have arisen, as to the construction of the First Section of an Act passed in the Second year of the Reign of Her present Majesty, intituled *An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire*, as to which of the Justices of the Peace in the said Section mentioned, shall give the notice in writing, required by the said Act, for the assembling of the Inhabitants of the said Town, and also as to who shall be deemed Inhabitants: For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, notwithstanding any thing in the said Act contained, it shall be the duty of the Senior Justice of the Peace resident for the time being in Georgetown, to give the said Notice; and the word Inhabitants, shall be construed and taken to mean, all Owners of Real Estate, resident Housekeepers and Storekeepers in Georgetown.

Senior Justice of the Peace resident in Georgetown to give Notice required by Act of 2d Victoria, cap. 7, for the improvement of Property in said Town.

II. And be it enacted, That the Assessors and Fire Wardens who may be elected for the purposes mentioned in the said recited Act, shall be persons residing in Georgetown, and who shall have been resident therein for at least twelve months previous to the time of their election; and in the event of there being no Election of such Officers, it shall and may be lawful for the Lieutenant Governor in Council to appoint such Assessors and Fire Wardens, being residents as aforesaid, as he shall see fit.

Assessors and Fire Wardens appointed under said Act to be resident in Georgetown for 12 months.

If no election of such Officers takes place, Lt. Governor in Council to appoint them."

First meeting of inhabitants under said Act to be held on 31 Tuesday in May, in year 1840, and on 1st Tuesday in May, annually afterwards.

III. And be it enacted, That the first meeting of the said Inhabitants for the purposes in the said recited Act mentioned, shall be held on the Third Tuesday in May next after the passing of this Act, at the Court House in Georgetown, at the hour of Twelve of the clock, noon, and shall be held at the same place and time on the first Tuesday in May annually thereafter, during the continuance of the herein-before recited Act.

CAP. III.

An Act further to continue for one Year, and to further amend an Act passed in the Seventh Year of His late Majesty's Reign, for raising a Revenue in this Island.

[Passed April 29th, 1840.]

Revenue Act of the 7th Will. 4, cap. 32,

Continued by Act of the 1st Vic. cap. 17;

And further continued by Act of 2d Vic., cap. 1.

WHEREAS it is deemed expedient to continue further, and amend the herein-after recited Act: 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 *William* the Fourth, intituled *An Act for the increase of the Revenue of this Island*, and continued for One year, by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to continue for One year and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled An Act for the increase of the Revenue of this Island*, and further continued and amended, by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to further continue for One year and to amend an Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island*,

be, and the same is hereby further continued for One year, from and after the Fifth day of *May* next, and no longer.

Continued for 1 year from 5th May, 1840.

II. And be it enacted, That from and after the Fifth day of *May* next, and during the continuance of this Act, no Colonial Duty shall be chargeable or paid on Molasses, imported into this Colony, any thing in the hereinbefore recited Act to the contrary notwithstanding.

Exempts Molasses from Colonial Duty.

III. And be it enacted, That if any Goods, Wares or Merchandize shall be seized for non-payment of Duties, or any other cause of Forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the Owner or Claimer of such Goods, Wares or Merchandize, and not on the officer who shall seize and stop the same, any Law or Usage to the contrary notwithstanding.

Where Goods, &c. are seized for non-payment of Duties, &c. proof to be on Owner or Claimant.

IV. And be it enacted, That this Act shall continue and be in force until the Sixth day of *May*, which will be in the Year One thousand eight hundred and Forty-one, and no longer.

Continuance of Act.

CAP. IV.

An Act to continue and amend an Act, intituled *An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.*

[Passed April 29th, 1840.]

WHEREAS it is deemed expedient to continue for a limited period, and to amend an Act

passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of *May* next, every person residing within *Charlottetown*, who shall keep one Dog, and no greater number, although for more than the space of thirty days in any one year, shall not be subject or liable to the Tax for that Year on such Dog, by the said Act imposed; and so on, for every year during the continuance of the said Act, in every case in which such persons shall keep but one Dog only, or any greater number together, if for a less period than the said space of thirty days, any thing in the before recited Act to the contrary thereof notwithstanding: Provided always, that where proof of the number of Dogs kept shall become necessary, the onus to discharge the owner or keeper of such single Dog from the Tax imposed by the said recited Act shall lie on such owner or keeper.

Persons in Charlottetown keeping only one Dog to be exempt from tax; and also exempt from tax if keeping any greater number for less than 30 days in any one year.

Proof of the number of Dogs kept to be made by Owner or Keeper.

Continuance of Act.

II. And be it enacted, That the said recited Act, as amended, shall be and continue in force for the space of Seven Years from the passing hereof, and from thence to the First day of *May* then next ensuing, and no longer.

CAP. V.

An Act to prohibit the exportation of Oysters from this Island, for a limited period.

[Passed April 29th, 1840.]

WHEREAS it is deemed expedient to prohibit the exportation of Oysters from this Island, for a limited period: Be it therefore enacted

ted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Oysters shall be exported from this Island for the space of Seven Years; and any Oysters taken up for exportation shall be liable to forfeiture; and the Master of any Boat or Vessel receiving Oysters on board of any such Boat or Vessel for exportation, shall be liable to a penalty of Twenty Pounds, to be recovered in the Supreme Court of Judicature, by Bill, Plaint or Information—one half whereof shall be paid to the Treasurer of this Island, for and on behalf of Her Majesty, and the other half to any person who shall sue for and recover the same: and it shall and may be lawful for the said Supreme Court to order Costs to be paid by the Defendant in such Bill, Plaint or Information.

Prohibits the exportation of Oysters for 7 years.

Penalty for exporting Oysters. Mode of recovery of Penalty.

Appropriation of Penalty.

Costs to be paid by Defendant.

II. And be it further enacted, That this Act shall be in force and continue for the space of Seven Years from the date of the passing of the same, and no longer.

Continuance of Act.

CAP. VI.

An Act to repeal *An Act for regulating the Herring and Alewives Fisheries.*

[Passed April 29th, 1840.]

WHEREAS an Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for regulating the Herring and Alewives Fisheries*, has been found to be no longer necessary: Be it enacted, by the Lieutenant Governor, Council and Assembly, That the aforesaid Act, and every clause, matter and thing therein contained, be, and the same are hereby repealed.

Repeals Act regulating Herring and Alewives Fisheries of the 7th Will. 4th, cap. 7.

CAP. VII.

An Act to make further provision for the management of the *Charlottetown Ferry*.

[Passed April 29th, 1840.]

WHEREAS it is deemed expedient to extend the provisions of an Act passed in the First Year of Her Majesty's Reign, intituled *An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Administrator of the Government for the time being, and Her Majesty's Council, to let the said Ferry for any term not exceeding Seven Years, and so as to be managed with either one Team Boat, as mentioned in the said Act, or with two such Boats, although of smaller size and proportionate power; and which contract shall and may be entered into at such rates as the said Administrator of the Government and Council shall deem most advantageous to the Public, any thing in the said recited Act to the contrary notwithstanding: Provided, that no Tender to be made for the said Ferry in pursuance of this Act, shall be accepted, wherein the rates of Ferriage proposed shall be higher than are hereinafter specified (that is to say)—

Lieut. Governor and Council to let Charlottetown Ferry for 7 years.

Conditions of such letting.

Rates of Ferriage not to exceed those mentioned in this Act.

Single Passengers, each Four-pence.

Horses, each Twelve-pence.

Wheel Carriages, each Fifteen-pence.

Horned Cattle, each Twelve-pence.

Hogs, each Four-pence.

Sheep, each Two-pence.

Produce and other matter, } One half-penny
measured by the bushel, } per bushel.

Lieut. Governor and Council to make rules, &c.

II. And be it enacted, That the person or persons who shall enter into such Contract shall be

subject to such Rules and Regulations as shall be fixed and determined by the Administrator of the Government for the time being, and the said Council, in manner prescribed by an Act made and passed in the Third Year of the Reign of His late Majesty, intituled *An Act to repeal two certain Acts therein mentioned, for licensing and regulating Ferries, and to make other provisions in lieu thereof*, and which Act shall be operative and binding on the said Contractor, who as well as his servants, and all persons acting under him in the management of the said Ferry, shall be subject to all Fines, Forfeitures, and Penalties therein mentioned.

for the management of said Ferry.

CAP. VIII.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and Forty.

[Passed April 29th, 1840.]

May it please your Excellency;

WE Her Majesty's dutiful and loyal subjects, the House of Assembly of *Prince Edward Island*, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted—and be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Moneys as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid, for the services hereinafter mentioned, the several sums following. (that is to say)—

£500 to Treasurer.

The sum of Five hundred Pounds to the Treasurer of this Island, for his Salary for the present year.

£260 to Collector of Excise, Charlottetown.

And a further sum of Two hundred and Sixty Pounds to the Collector of Impost and Excise, for the District of *Charlottetown*, for his Salary for the present year.

£250 for Public Printing, &c.

And a further sum of Two hundred and Fifty Pounds, to defray the expences of Public Printing and Stationery, for the present year.

£500 for Crown Prosecutions, &c. Fees of Witnesses, &c.

And a further sum of Five hundred Pounds, or as much thereof as may be necessary, to defray the expence of Crown Prosecutions, including Fees of Crown Officers, Clerks of Courts and Witnesses; also Coroner's and Juror's Fees, for the present year.

£100 to Chief Justice, for travelling charges.

And a further sum of One hundred Pounds, to defray the Chief Justice's travelling charges, for the present year.

£20 to each of the Sheriffs.

And a further sum of Twenty Pounds to each of the High Sheriffs of the different Counties, for their services for the present year.

£300 for the Jails in the different Counties.

And a further sum not exceeding Three hundred Pounds, to defray the Sheriffs' expences for the Jails of the different Counties, and to provide Fuel and Bread for the same, during the present year.

£40 to Jail Keeper in Charlottetown.

And a further sum of Forty Pounds, to defray the Salary of the Keeper of the Jail at *Charlottetown*, for the present year.

£60 for Salaries of Keepers of Jails in King's and Prince Counties.

And a further sum of Sixty Pounds, to defray the Salaries of the Keepers of the Jails at *Saint Eleanor's* and *Georgetown*, for the present year.

£10 to Medical attendant of Charlottetown Jail

And a further sum of Ten Pounds to the Medical Attendant of *Charlottetown* Jail, and for supplying the Prisoners with Medicines, for the present year.

£15 to Matron of Charlottetown Jail.

And a further sum of Fifteen Pounds, to defray the Salary of the Matron of the Jail at *Charlottetown*, for the present year, should the same be required.

£160 for Salaries of Road Commissioners.

And a further sum of One hundred and Sixty Pounds, to defray the Salaries of the Road Commissioners, for the present year.

And a further sum of Seventy-five Pounds to the Officer appointed to inspect the Militia, and to receive the Returns, for the present year.

£75 to Inspecting Field Officer of Militia.

And a further sum of Thirty Pounds to the Wharfinger of the Public Wharf at *Charlottetown*, for the present year.

£30 to the Wharfinger for Charlottetown.

And a further sum of Forty Pounds, to defray the Salary of the Clerk of the Market at *Charlottetown*, for the present year:

£40 to Clerk of the Market for Charlottetown.

And a further sum of Ten Pounds to the Assayer of Weights and Measures for *Queen's County*, in lieu of office rent and other contingent expences, for the present year.

£10 to Assayer of Weights and Measures for Queen's County.

And a further sum of Forty Pounds, to defray the Salary of the Messenger of the Executive Council, Crier of the Supreme Court and Tinstaff in Chancery, for the present year.

£40 to Messenger of Executive Council, Crier and Tinstaff in Chancery.

And a further sum of Two hundred and Fifty Pounds, to defray the contingent expences of the Government, for the present year.

£250 for contingent expences of Government.

And a further sum of Four hundred Pounds, to defray the Interest payable on Treasury Warrants at the Treasury, for the present year.

£400 for Interest on Treasury Warrants.

And a further sum of One hundred Pounds, for carrying into effect the Quarantine regulations, should the same be required, for the present year.

£100 to carry into effect Quarantine regulations.

And a further sum of Ninety Pounds, to be placed at the disposal of the Lieutenant Governor, towards opening the Road from *Cardigan* towards *Mount Stewart*.

£90 for Road from Cardigan to Mount Stewart.

And that a further sum of Five hundred Pounds be granted and placed at the disposal of the Lieutenant Governor and Council, to be applied in opening such new Roads as are already assessed under the Compensation Act, the said sum to be refunded out of the amount of Assessment levied.

£500 for new Roads, under Road Compensation Act.

And a further sum of Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant Governor, towards extending the Hards at *Ellis* or *Grand River*, Townships Nos. 14 and 16.

£50 for extending the Hard at Ellis River, Lots 14 and 16.

£3 to Thomas Walsh, Lot 66.

And a further sum of Three Pounds be granted to *Thomas Walsh*, Township Number 66, in aid of his Son, an Idiot.

£3 to the Hon. Donald Macdonald, for relief of Mary M'Leod.

And a further sum of Three Pounds be granted and placed at the disposal of the Honorable *Donald Macdonald*, to be by him applied towards the relief of *Mary M'Leod*, widow.

£8 for laying down Buoys in Souris Harbour.

And a further sum of Eight Pounds be placed at the disposal of His Excellency the Lieutenant Governor, for laying down Buoys in the Harbour of *Souris*, in *King's County*.

£12 for building a Scow at Grand River.

And a further sum of Twelve Pounds be placed at the disposal of the Lieutenant Governor, for the building of one Scow at *Grand River*, in *King's County*, where the Commissioner of the Fourteenth District may direct.

£12 for a Buoy and Beacon at Crapaud Harbour.

And a further sum of Twelve Pounds be placed at the disposal of His Excellency the Lieutenant Governor, for the purpose of erecting a Buoy and Beacon in the Harbour of *Crapaud*; as also the sum of Ten Pounds, for extending the Wharf at that place.

£10 to Mrs. Bullpitt.

And a further sum of Ten Pounds be granted to *Mistress Bullpitt*, for conducting a preparatory School in *Charlottetown*.

£12 to the Rev. John M'Donald, for the relief of several persons.

And a further sum of Twelve Pounds be granted and placed at the disposal of the Reverend *John Macdonald*, for the relief of the following persons:—To *Nancy M'Gillivray*, the sum of Two Pounds ten shillings; to *Thomas Devereux*, the sum of Four Pounds; to *Elizabeth Brow*, the sum of Two Pounds ten shillings; and to *Angus M'Kelloc*, the sum of Three Pounds.

£16 to the Rev. Robert Douglas, for the relief of several persons.

And a further sum of Sixteen Pounds be granted and placed at the disposal of the Reverend *Robert Douglas*, to be paid for the relief of the following persons, (that is to say)—To *Mary Hore*, for the expences of *James Hall*, the sum of Five Pounds; to *Mary Chuny*, to pay her passage to *Newfoundland*, the sum of Five Pounds; to *John Smith*, the sum of Three Pounds; to *Christiana M'Eachran*, Three Pounds.

And a further sum of Three Pounds be granted to *Archibald M^cNevin*, Lot Thirty, towards the support of his Son, an Idiot.

£3 to Archibald
M^cNevin, Lot 30.

And a further sum of Four Pounds to *Mistress Godkin*, widow of the late *John Godkin*, Tanner, of *Charlottetown*.

£4 to Widow
Godkin.

And a further sum of Three Pounds to *George Luke*, Lot 11, an indigent and sick man.

£3 to George
Luke.

And a further sum of Four Pounds to *James Adams*, of Lot *Eleven*.

£4 to James
Adams.

And a further sum of Ten Pounds to *Elizabeth Le Page*, of Lot 49, towards the support of her husband, a Lunatic.

£10 to Elizabeth
Le Page.

And a further sum of Twenty Pounds to the Reverend *Mr. Perry*, in aid of completing the Indian Chapel, on *Lennox Island*, *Prince County*.

£20 to Rev. Mr.
Perry, in aid of
Indian Chapel.

And a further sum of Five Pounds to *James M^cCallum*, of *Brackley Point*, to be expended during the present year for the support of *Pierre Doucette*, senior, of *Rustico*.

£5 to James
M^cCallum, for
Pierre Doucette,
sen.

And a further sum of Ten Pounds to *Jesse Duroche*, of Lot 17, towards the support of *William and Magdalen Holmes*.

£10 to Jesse
Duroche, for
William Holmes
and wife.

And a further sum of Ten Pounds to *Solomon Desbrisay*, being the amount of his Salary as Librarian to the Legislature for the past year.

£10 to Librarian
of Legislature.

And a further sum of Ten Pounds to *Charles Young*, Esquire, for his necessary disbursements as a Member of this House, during a part of the present Session.

£10 to Charles
Young, Esq.

And a further sum of Five Pounds to *Angus M^cLean*, of *Canoe Cove*, to relieve him in his distressed circumstances.

£5 to Angus
M^cLean.

And a further sum of Five Pounds to *Rosanna Mitchell*, a poor woman residing near *Monaghan Settlement*.

£5 to Rosanna
Mitchell.

And a further sum of Five Pounds to *John Ready*, a blind person.

£5 to John
Ready.

And a further sum of Three Pounds to *Nancy Kielly*, for the support of her husband, a deranged person.

£3 to Nancy
Kielly.

£8 to James Yeo, Esq. for the relief of several persons.

And a further sum of Eight Pounds to *James Yeo, Esquire*, for the relief of the following persons:—To *James Inglis*, Three Pounds, and to *Matthew Flinn*, Five Pounds.

£500 for conveyance of the Mails by a Steam Vessel.

And a further sum not exceeding Five hundred Pounds, to defray the expence of conveying the Mails for the present year, under the provisions of the Act, 6 W. 4, cap. 11.

£150 for conveying Winter Mails to Nova Scotia.

And a further sum not exceeding One hundred and Fifty Pounds, to defray the expences of conveying the Winter Mails, to and from the Provinces of *Nova Scotia* and *New Brunswick*.

£250 for conveyance of Inland Mails.

And a further sum of Two hundred and Fifty Pounds, to defray the expences of conveying the Inland Mails, for the present year.

£20 to Pest Mistress.

And a further sum of Thirty Pounds to *Elizabeth Chappel*, for conducting the business of the Inland Mails, for the present year.

£3000 for Roads and Bridges.

And a further sum of Three thousand Pounds, for the service of Roads and Bridges—to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads and Bridges.

£400 for Main Western Road.

And a further sum of Four hundred Pounds, for the Main Western Road, North of *Ellis River* Bridge; which shall be expended on the same in such manner and on such parts thereof, as may be deemed most effectual towards its completion.

£100 for incidental repairs of Roads and Bridges.

And a further sum of One hundred Pounds, to defray the incidental repairs of Roads and Bridges, for the present year, to be equally appropriated among the three Counties.

£16 to Keough and Moorshed.

And a further sum of Sixteen Pounds to *Keough and Moorshed*, of *York River*, for repairing a Bridge over *M'Phee's Creek*, Lot *Thirty-two*, on their producing a Certificate from the Road Commissioner of that District, that the same is completed, and a substantial handrail thereon.

£4 to Thomas Desbrisay, for Gregory Urquhart

And a further sum of Four Pounds to *Thomas Desbrisay*, for the purpose of purchasing Clothing next *November*, for *Gregory Urquhart*.

And a further sum of Twenty-five Pounds to *James H. Down* and *James Pollard*, for extra work performed on the Jail Yard, in *Charlottetown*.

£25 to *James H. Down* and *James Pollard*.

And a further sum of Eight Pounds eight shillings and six-pence to *Solomon Desbrisay*, for certain Books for the Library of the Legislature.

£8 8s. 6d. to Librarian, for books for Legislative Library.

And a further sum of Three Pounds to the Reverend *John M'Lennan*, towards the support of *Ann Macdonald*, an aged and infirm person.

£3 to Rev. John M'Lennan, for Ann M'Donald.

And a further sum of One hundred and Fifty Pounds, for the encouragement of Agriculture in this Colony, (that is to say)—Fifty Pounds to be divided equally between the Central, Independent, and Crapaud Societies, in *Queen's County*; and Fifty Pounds to be equally divided between the Eastern and Saint Margaret's Agricultural Societies, and "The Farming Club," in *King's County*; and Fifty Pounds to be equally divided between the Agricultural Societies in *Prince County*: Provided, that no Agricultural Society or Club shall receive Legislative aid, unless such Society shall consist of at least Thirty annual Subscribers.

£150 to be divided between several Agricultural Societies.

And a further sum of Thirty Pounds to *James B. Cooper*, to enable him to defray the expense of a Reporter to the House of Assembly, the present Session.

£30 to *James B. Cooper*, to defray expense of Reporter for House of Assembly.

And a further sum of Three Pounds to *William Cooper*, Esquire, for the relief of *Mistress Quinn*, in destitute circumstances.

£3 to *William Cooper*, Esq. for *Mrs. Quinn*.

And a further sum of Five Pounds be granted and placed at the disposal of the Lieutenant Governor, for the purpose of causing a Survey to be made of *Lennox Island*, and report the quantity and quality of the land of said Island.

£5 for Survey and Report of *Lennox Island*.

And a further sum of Five Pounds be granted to *Charles Nicholson*, of *Orwell*, for the last quarterly allowance for the keeping of his brother, an insane person, and also to defray the Funeral expenses of the same.

£5 to *Charles Nicholson*, *Orwell*.

£80 for alterations in Charlottetown Jail.

And a further sum of Eighty Pounds, or as much thereof as may be necessary, be placed at the disposal of His Excellency the Lieutenant Governor, to defray the expenses of certain proposed alterations and improvements in and about the Jail of *Charlottetown*.

£10 for repairing Hard on South side of Charlottetown Harbour.

And a further sum of Ten Pounds be granted and placed at the disposal of the Lieutenant Governor, for repairing the Hard on the South side of *Charlottetown Harbour*.

£30 to Correspondent of Road Commissioners.

And a further sum of Thirty Pounds to the Correspondent of the Road Commissioners, for his services for the present year.

£300 for Fishery Bounties.

And a further sum of Three hundred Pounds to His Excellency the Lieutenant Governor, to defray the Bounties on Vessels engaged in the Fisheries of this Island, under the Act of the present Session.

£200 for Salary of Colonial Secretary, &c. to 1st July, 1840.

And a further sum not exceeding Two hundred Pounds, to defray the Salary of the Colonial Secretary and Registrar, and Clerk of the Executive Council, to the First day of *July* next; and a further sum of Two hundred Pounds to defray the Salary of that Officer to the First day of *January*, One thousand eight hundred and Forty-one.

£200 to Colonial Secretary, &c. for Salary to 1st January, 1841.

And a further sum of Twenty Pounds, to defray the expense of procuring Plans and Estimates of Public Works for the present year, should the same be required.

£20 for Plans and Estimates for Public Works.

£5 to James Arthur, for Robert Winter.

And a further sum of Five Pounds to *James Arthur*, of *New Glasgow*, towards the support of *Robert Winter*, an insane person.

£32 to the Rev. John M'Lennan, for the relief of several persons.

And a further sum of Thirty-two Pounds, to be placed at the disposal of the Reverend *John MacLennan*, for the following purposes:

For the relief of *Simon Mackinnon*, Three Pounds;

For the relief of *James Maddox*, Eight Pounds;

For the relief of *Margaret Finlayson*, Eight Pounds;

For the relief of *Christiana Macphee*, Three Pounds;

To *Mary Macaulay*, towards the support of her son *John*, Ten Pounds.

: And a further sum of Sixteen Pounds to the Honorable *Peter Macnutt*, for the relief of the following persons, (that is to say)—

£16 to Hon. P. S. Macnutt, for the relief of several persons.

Mary Hickey, Three Pounds;

Peter Macmillan, Five Pounds;

Maurice Curran, Three Pounds;

Daniel Quigley, Five Pounds;

And a further sum of Twenty Pounds to *James Simpson*, senior, of *New London*, to be disposed of as follows:

£20 to James Simpson, senior, for the relief of several persons.

Towards the relief of three blind persons named *Mackay*, Twelve Pounds;

Towards the support of *John Joseph Artman Betture*, Eight Pounds.

And a further sum of Five Pounds ten shillings to *Thomas Owen*, Esquire, for the relief of the following persons:

£5 10s. to Thomas Owen, Esq., for the relief of several persons.

John Rowan, Three Pounds;

Margaret Campbell, on account of an Idiot Son, Two Pounds ten shillings.

And a further sum of Forty-four Pounds to the Ladies' Benevolent Society, to be expended for the relief of the following persons:

£44 to Ladies' Benevolent Society, for the relief of several persons.

To *John Macnamara*, Ten Pounds;

To *James Conway*, Five Pounds;

To *William Purcell*, Ten Pounds;

To *Catherine Hilliard*, Five Pounds;

To *Widow Reilley*, Four Pounds;

To *Catherine Gainer*, Five Pounds;

To *Johanna Redmond*, towards the support of a lame Daughter, Five Pounds—the said several sums to be expended by the said Society as may to them seem meet and proper.

And a further sum of Thirty Pounds to the Ladies' Benevolent Society, in aid of the charitable purposes of that Institution.

£30 to Ladies' Benevolent Society, in aid of that Institution.

£15 to Charles Young, Esq., for professional services to House of Assembly.

And a further sum of Fifteen Pounds to *Charles Young*, Esquire, for professional services rendered by him to a Special Committee of the House of Assembly, previous to his being a Member of the said House.

£5 to Charles Russell.

And a further sum of Five Pounds to *Charles Russell*, an old and infirm Teacher.

£5 to Allan Forsyth, Esq., for James Gillander.

And a further sum of Five Pounds to *Allan Forsyth*, Esquire, towards the support of *James Gillander*, an indigent person.

A sum sufficient to have the Charts of the Harbours of Charlottetown and Georgetown engraved.

And a sum sufficient, to be placed at the disposal of the Lieutenant Governor, to have the Charts of the Harbours of *Charlottetown* and *Georgetown* engraved, and five hundred copies thereof struck off, and deposited in the office of the Surveyor General, for sale.

£110 to extend Princetown Wharf.

And a further sum of One hundred and Ten Pounds, in aid of extending the *Princetown Wharf*.

£24 to build 2 Scows for Fyffe's and Coles' Ferries.

And a further sum of Twenty-four Pounds, to build two Scows for the use of *Fyffe's* and *Cole's* Ferries, *New London*.

£8 to John M'Sween, for Jane Arbuckle.

And a further sum of Eight Pounds to *John M'Sween*, towards the support of *Jane Arbuckle*.

£20 to Charlottetown Mechanics' Institute.

And a further sum of Twenty Pounds to the Office Bearers of the *Charlottetown Mechanics' Institute*, for the purchase of Books and Philosophical Apparatus.

£15 to procure a Seal for Supreme Court.

And a further sum of Fifteen Pounds to the Lieutenant Governor, for the purpose of procuring a Seal for the Supreme Court, to be cut in Steel.

£8 5s. 9d. to Sergeant at Arms of Assembly, to defray the expense of certain Witnesses.

And a further sum of Eight Pounds five shillings and nine-pence to the Sergeant at Arms, to defray the expense of certain Witnesses who attended an examination before a Committee of the House of Assembly.

£70 for Wharf at Green's Shore, Belesque.

And a further sum of Seventy Pounds, for the purpose of extending the Wharf at *Green's Shore*, *Bedeque*.

£5 to John Masters, Lot 50.

And a further sum of Five Pounds to *John Masters*, of Township Number *Fifty*, towards the support of an Idiot son.

- And a further sum of Eight Pounds to *Hercules Freeze*, of *New London*, a blind person. £8 to Hercules Freeze.
- And a further sum of Ten Pounds to *Allan Fraser*, Esquire, towards the support of *George Macwilliams*, residing at the *West Point*. £10 to Allan Fraser, Esq., for George M^r Williams.
- And a further sum of Fifty Pounds towards erecting a Bridge over the Creek at *Little Sands*, on Township Number *Sixty-two*, in addition to the sum of Twenty-four Pounds six shillings and eightpence allowed in the general appropriation for the service of Roads and Bridges. £50 towards erecting a Bridge at Little Sands, Lot 62.
- And a further sum of One hundred and Sixty Pounds, to defray the Salaries of the Sub-Collectors of Customs, for the present year. £160 for Salaries of Sub-Collectors of Customs.
- And a further sum of Three hundred Pounds, to defray the Salaries of the Masters of the *Charlottetown* Academy, for the present year. £300 for Salaries of Masters of Charlottetown Academy.
- And a further sum of One thousand Pounds, for carrying into effect the provisions of the Act for the encouragement and support of District and other Schools. £1000 for support of District and other Schools.
- And a further sum of Twenty-five Pounds, to defray the Salary of the Master of the National School, for the present year, should the same be required. £25 for Salary of Master of National School.
- And a further sum of Fifty Pounds, in aid of a sailing Packet to ply between *Georgetown* and *Pictou*, for the present year. £50 for sailing Packet between Georgetown and Pictou.
- And a further sum of Thirty Pounds, in aid of sailing a Packet between *Bedeque* and *Shediac*, for the present year. £30 for sailing Packet between Bedeque and Shediac.
- And a further sum of Forty Pounds, or as much thereof as may be necessary, to defray the amount of Premiums allowed by Law for the destruction of Bears and Loupcerviers. £40 for premiums for destruction of Bears and Loupcerviers.
- And a further sum of Sixty Pounds to the Speaker, and Thirty Pounds to each of the Members of the House of Assembly, (with the exception of *Charles Young*, Esquire,) to indemnify them for their Disbursements while attending the sittings of the House during the present Session, with travelling £60 to the Speaker, and £30 each, to Members of Assembly, and travelling charges as heretofore.

charges, as heretofore, deducting a proportionate rate for each and every day's absence, to be certified by the Speaker.

£20 to John Arbuckle.

And a further sum of Twenty Pounds to *John Arbuckle*, late a Member of the House of Assembly, to indemnify him for his Disbursements while attending the same this Session.

£4 to Medical attendant of Jail at Georgetown.

And a like sum to Medical Attendant of Jail at St. Elleanor's.

And a further sum of Four Pounds to the Medical Attendant of the Jail at *Georgetown*, and a like sum to the Medical Attendant of the Jail at *Saint Eleanor's*, should their services be required, during the present year.

£300 for improvements and repairs at Government House and premises.

And a further sum of Three hundred Pounds, to defray the estimated expense of certain repairs and improvements at Government House and Premises, during the present year.

£30 for allowance to Commissioners for the issue of Treasury Notes.

And a further sum of Thirty Pounds, or as much thereof as may be necessary, to defray the allowance to the Commissioners for the issuing of Treasury Notes, for the present year.

£25 to Malcolm Morrison, of Lot 45, for a Road over his premises.

And a further sum of Twenty-five Pounds, to be paid to *Malcolm Morrison*, of Township Number *Forty-five*, as compensation for the privilege of a Road of Sixty feet in width through his Farm to *Souris*, in the same course at present in use.

£172 for Bridge over Vernon River.

And a further sum of One hundred and Seventy-two Pounds, in aid of erecting a Bridge over *Vernon River*, in addition to Seventy-eight Pounds four shillings of individual subscriptions, and Fifty Pounds already appropriated for that purpose.

£80 for Bridge over Elliot River, in addition to £50 already appropriated.

And a further sum of Eighty Pounds, in aid of erecting a Bridge over the *Elliot River*, at *Bonshaw*, in addition to the sum of Fifty Pounds already appropriated for that purpose.

£50 for Bridge over Head of St. Peter's Bay.

And a further sum of Fifty Pounds, to defray the expenses incurred in erecting a Bridge over the Head of *Saint Peter's Bay*, in addition to the sum of Fifteen Pounds sixteen shillings, to be paid out of the sum to be appropriated for the service of Roads and Bridges, for the present year.

£677 to complete

And a further sum of Six hundred and Seventy-

172
50
22
70
70

seven Pounds, for the purpose of completing *Mount Stewart Bridge*. Mount Stewart Bridge.

And a further sum of Twenty-five Pounds for extending the Wharf at *Peter's Shore*, *Three Rivers*. 25*l.* for extending Wharf at Peter's Shore.

And a further sum of One hundred and Six Pounds, to complete the Bridge over *South River*, at *Murray Harbour*. 106*l.* to complete Bridge over South River.

And a further sum of One hundred and Sixty-seven Pounds four shillings and four-pence half-penny, to defray the expenses incurred on Government House and Premises, for the past year. 167*l.* 4*s.* 4½*d.* for expenses incurred at Government House and premises.

And a further sum of Sixty Pounds to the Lieutenant Governor, to be paid after the rate of Twenty Pounds yearly, to the person who may be appointed Sub-Collector of the Customs for the District of *Cascumpeque*. 60*l.* for Sub-Collector at Cascumpeque, at the rate of 20*l.* yearly.

And a further sum of Five Pounds for the repairs of *Bedeque Wharf*. 5*l.* for repairs of Bedeque Wharf.

And a further sum of Twenty-five Pounds, to be divided equally between *William Dingwell* and *William Mackenzie*, for a right of way of Twelve feet each in the line between their respective Farms, from the High Road to the Sea Shore, whenever the Road Commissioners for the District shall certify that the same is opened to the Public. 25*l.* between William Dingwell and William M'Kenzie, for a Road over their premises.

And a further sum not exceeding Thirty Pounds to the Lieutenant Governor, for the Education of the Indians of this Colony, to be applied as follows, (that is to say)—to any Teacher who shall produce a Certificate from any Justice of the Peace, Commissioner of Small Debts, or Member of the House of Assembly, that he has had under his tuition any one or more of the said Tribe, and had provided him or them with the necessary Stationery, for a period of at least Six Months, shall be paid the sum of Thirty Shillings, each, including the price of Stationery, and a like sum for every period of Six Months thereafter he may have such person under his tuition. 30*l.* for education of Indians.

57. to Donald Macphee.

And a further sum of Five Pounds to *Donald Macphee*, as remuneration for services performed when Jailor at *Georgetown*.

77. to Edward Thornton, for the support of John Griffin and his sisters.

And a further sum of Seven Pounds to *Edward Thornton*, Esquire, towards the support of *John Griffin*, of Township Number *Sixty*, and his Idiot Sisters.

Sum sufficient to defray the contingent expenses of Legislative Council and Assembly.

And a further sum to His Excellency the Lieutenant Governor, sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present Session.

CAP. IX.

An Act to amend the Act now in force regulating Apprentices.

[Passed April 29th, 1840.]

WHEREAS by an Act passed in the Eighth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for regulating Apprentices*, no Infant pauper children can be placed out Apprentices, unless they, or their Parents are receiving Parochial relief; and whereas Parish rates for the support of poor persons are not at present levied in this Island, nor are there any Officers or Regulations for enforcing the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever it shall be made to appear to any two of Her Majesty's Justices of the Peace, either upon the Oath of any one or more credible Witness or Witnesses, or from a Certificate under the hands of any Eight or more respectable House-keepers, residing in any Town, Town and Royalty, or Township, within this Island, that any Mendicant Orphan child, of the age of two years and upwards, or the Parents or Parent of

Two Justices of the Peace upon Oath of one or more Witness or Witnesses, upon Certificate of 8 or more House-keepers in certain cases,

any child of the like age, having the care and management of their child, such Orphan child, Parents or Parent, having resided for the previous Six Months in such Town, Town and Royalty, or Township, that such Orphan child, Parents or Parent, hath or have been in the habit of soliciting Alms, or receiving Charitable contributions or allowances regulated by any Charitable Association, and hath, nor have not otherwise means for his, her, or their necessary permanent support, that then, and in every such case, it shall be lawful for such Justices to indent any such child as aforesaid, until the age of Twenty-one years, or for any less term in the discretion of the said Justices, and upon such terms as may be agreed upon between the Master and the said Justices, to any Tradesman, Farmer, or other person, in manner prescribed by the herein before recited Act: Provided, That every Indenture so to be made, shall contain a Covenant or Stipulation, on behalf of the Master, his Executors, Administrators and Assigns, to cause the indented child to be taught reading, writing, and the common rules of Arithmetic.

may indent any Orphan or Mendicant Child until the age of 21 years.

Terms to be agreed on by Justices and Master.

II. And be it enacted, That the herein before recited Act shall be held, construed and taken, in every respect, to apply to Apprentices indented by virtue of this Act, and to their Masters, and all other persons who would be affected by the said recited Act, and to all matters touching and concerning the said Indentures or Apprentices.

Act of the 5th Geo. 4, cap 1, to apply to Applications, &c. under this Act.

CAP. X.

An Act to prevent the running at large of Sheep and Goats in the Town of *Charlottetown*.

[Passed April 29th, 1840.]

WHEREAS the running at large of Sheep and Goats in the Town of *Charlottetown* has of

Owners of Sheep or Goats at large in Charlottetown may be summoned before a Justice of the Peace.

Mode of proceeding on Summons.

§

If convicted, owner to pay a Fine not exceeding £2, and Costs.

Mode of recovery of Fine, &c.

Mode of proceeding when Owners of Sheep or Goats at large are not known.

late become of serious injury to the Inhabitants : Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, when and so often as any Sheep, Goat or Goats, shall be found running at large within the Town of *Charlottetown*, it shall and may be lawful for any of Her Majesty's Justices of the Peace, residing in the said Town, upon complaint to him made, to summon the Owner or Owners of such Sheep, Goat or Goats, to appear before him the said Justice, within a reasonable time, which shall be mentioned in the said Summons; and on the complaint being thereupon proved, on the Oath of one or more credible Witness or Witnesses, such Owner or Owners shall forfeit and pay, for every such offence, a sum not exceeding Two Pounds, together with Costs, as to the said Justice shall seem meet—the said sum and costs to be levied by Warrant of Distress, and sale of the Offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy, the said Justice may, and he is hereby required, to commit the Offender or Offenders to the Jail of *Charlottetown*, for any period not exceeding Ten days.

II. And be it further enacted, That in case of any such Sheep, Goat or Goats, being found as aforesaid, and that the Owner or Owners shall not be known to the person or persons making such complaint, then, on oath thereof being made by such person or persons, or other credible Witness or Witnesses, the said Justice shall and may issue a Warrant, under his hand, directed to one or more Constable or Constables, to take up and impound, or otherwise secure the said Sheep, Goat or Goats forthwith, and proceed with them as directed by this Act—whereupon the said Constable or Constables shall advertise the said Sheep, Goat or Goats, to be sold, by posting notices in at least three of the most public places in *Charlottetown*, in which respectively shall be stated the number and description

of such Sheep, Goat or Goats, and the time and place of sale; and in case the same shall not be redeemed, and the Costs thereby incurred, with reasonable disbursements, for the keep of such Sheep, Goat or Goats, shall not be paid within Five days from the posting of such Notices, then the same shall be publicly sold, and after payment of the Costs and Charges incurred out of the proceeds thereof, the surplus (if any) shall be paid into the hands of the said Justice, who shall retain the same to and for the use of the Owner or Owners, when demanded.

III. And be it further enacted, That all Fines and Forfeitures incurred under and by virtue of this Act shall be applied in aid of the Pump and Well Assessment, for the said Town.

Appropriation of
Fines, &c. under
this Act.

IV. And be it further enacted, That this Act shall continue and be in force for the space of Seven Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

Continuance of
this Act.

CAP. XI.

An Act to continue for one Year, the Act intituled
*An Act for granting a Bounty on Vessels en-
gaged in the Fisheries of this Island.*

[Passed April 29th, 1810.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island*, be, and the same is hereby continued for One year, from the passing thereof, and no longer.

Continues Act of
the 2d Victoria,
cap. 6, granting
a Bounty on Ves-
sels engaged in
the Fisheries, for
1 year.

CAP. XII.

An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.

[Passed April 29th, 1840.]

WHEREAS in floating Timber, Logs, Deals, Scantling, and other kinds of Wood, down the Rivers and lesser Streams in this Island, and on the arrival thereof at a Mill Dam, the owner or owners refuse to allow such Timber, Logs, Deals, Scantling, or other kinds of Wood, to pass through the Waste Gate thereof, whereby the party or parties owning the said Timber, Logs, Deals, Scantling, or other kinds of Wood, are subjected to unnecessary labour in carrying the same over such Dam: and whereas it is not just that parties should be so inconvenienced, delayed, and put to unnecessary expense: Be it enacted, by the Lieutenant Governor, Council and Assembly, That at the expiration of Three Months from the passing of this Act, every person having a Dam across any of the Rivers or Streams as aforesaid, shall, within One Calendar Month next after request in writing of any person or persons who shall or may have Timber, Logs, Deals, Scantling, or other kinds of Wood, to float down any River or Stream as aforesaid, cause a Waste Gate to be constructed (if not already so done), suitable and convenient to float through such Timber, Logs, Scantling, Deals, or other kinds of Wood, as is or are usually floated down such River or Stream: Provided always, that no owner of any Mill Dam shall be obliged to make or open a Waste Gate as aforesaid, unless there be one or more Saw Mill or Mills in operation above such Mill Dam, or unless the person or persons requiring such Waste Gate to be made and opened, shall make Oath, according to the form in

Three months after passing of this Act, and within 1 month after demand made in writing by owner of Timber, Logs, &c.

Owners of Dams across rivers, &c. to make a Waste gate suitable for floating Timber, Logs, &c. through.

Owner of Mill-dam not obliged to make Waste Gates unless there be a Saw Mill above Dam, or unless Oath be made according to form in Schedule.

the Schedule to this Act annexed, that he or they hath or have at least Sixty Tons of Timber, Logs, Deals, Scantling, or other kinds of Wood, to be floated through the said Waste Gate.

II. And be it further enacted, That such Waste Gate, when so made and constructed, shall remain, and be kept up at the expense of the owner or owners of such Mill Dam, and be for the use of any party or parties who shall or may have Timber, Logs, Deals, Scantling, or other kinds of Wood, to float down such River or Stream; and that such party or parties shall have the exclusive use of such Waste Gate and Water for three hours in any one day, if required.

How Waste Gate is to be kept up when made.

Time parties may have use of Waste gate and Water for day.

III. And be it further enacted, That should any damage be done to any Waste Gate, so made and constructed, by the passage of any Timber, Logs, Scantling, Deals, or other kinds of Wood, through the same, and the party or parties by whom such damage shall have been so done shall refuse to make good the said damage, without any unnecessary delay, after application therefor, in writing, shall have been made to the said party or parties, it shall and may be lawful for any Justice of the Peace, residing in the County wherein such damage shall or may have been done, to proceed as in a case of Trespass; and should the damages be found to exceed the jurisdiction of such Justice, the Party or Parties, Plaintiff or Plaintiffs, may then proceed at discretion in the Supreme Court.

Where damage is done to Waste Gate, the mode of proceeding for recovery of damages by Owner.

IV. And be it further enacted, That before any Judgment shall be given for the Plaintiff or Plaintiffs in any Suit or Action so brought or commenced either before a Justice of the Peace or in the Supreme Court, the said Plaintiff or Plaintiffs shall be required to prove, on the Oaths of at least two credible Witnesses, that such Waste Gate was properly constructed, and of sufficient strength to

Proof required before judgment be given for Plaintiff.

admit of the floating through it of any Timber, Logs, Deals, Scantling, or other kinds of Wood; and such Action or Proceedings shall be commenced within Thirty days after such damage shall have been alleged to be done.

£5 penalty on Owners of Dams not making Waste Gate, or of proper size, &c.

Mode of recovery of such Penalty.

Appropriation of Penalty.

Any river, &c. diverted from its natural course may be followed and used by Owners of Timber, Logs, &c.

And owner of Dam thereon to be liable to provisions of this Act.

Continuance of Act.

V. And be it further enacted, That should any person or persons owning a Mill Dam neglect or refuse to construct, or cause to be made and constructed; a good and sufficient Waste Gate, and of the proper size, for the purposes herein contemplated, on application as aforesaid, such person or persons, for every neglect or refusal, shall be subject and liable to a Fine not exceeding Five Pounds, over and above any damage that may be sustained by the party or parties so making application as aforesaid—to be recovered before any one of Her Majesty's Justices of the Peace in the County wherein the Mill Dam unprovided with a Waste Gate as aforesaid shall be; one half of which Fine shall be paid to the Informant, and the other half into the Treasury of this Island, to and for the use of Her Majesty's Government.

VI. And be it further enacted, That should any River or Stream as aforesaid be diverted from its natural course at any particular part thereof, and be carried through the lands of any individual, it shall and may be lawful for any person or persons floating Timber, Logs, Deals, Scantling, or other kinds of Wood, down such River or Stream, to follow and use the diverted course of such River or Stream; and the owner or occupier of any Mill Dam, on any such diverted Stream, shall be liable to all the provisions and enactments herein-before mentioned, and shall likewise be entitled to all the remedies herein-before mentioned, to owners or occupiers of other Mill Dams.

VII. And be it enacted, That this Act shall continue and be in force for and during the space of Two Years, and no longer.

SCHEDULE to which this Act refers.

Prince Edward Island, }
 County : }

WE *A. B.* of (Township or Settlement), Farmers
 (or as the case may be,) *C. D.*, of and
E. F. of do swear, that we are now
 jointly, or in severalty, legally possessed of, or well
 entitled to [*here set forth the description of Timber,*]
 amounting to Tons, now lying in Creek (or
 Stream), or that we *bona fide* intend and really
 expect to have the said quantity of Timber at the
 said Creek (or Stream), and are desirous to convey,
 or cause the said to be conveyed down the
 said Creek (or Stream,) to or near but that
 the Mill Dam belonging to will intercept
 the passage of the said down the said Creek
 (or Stream), and that we are desirous that a proper
 passage or Waste Gate be provided through the
 said Mill Dam for the conveyance of the said

Oath to be made
 by Owner, &c.
 of Timber,
 Logs, &c.

CAP. XIII.

An Act to continue for a limited period an Act to prevent Hawkers and Pedlars travelling and selling in this Colony, without License.

[Passed April 29th, 1840.]

WHEREAS the herein-after mentioned Act is about to expire, and it is deemed expedient to continue the same for a limited period: 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*, intituled *An Act to prevent Hawkers and Pedlars travelling and selling within this Colony, without License*, be, and the same is hereby continued in force for Four Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues
Hawkers and
Pedlars Act of
5th Will. 4, cap.
12, for 4 years,
and to the end
of the then next
Session of the
General Assem-
bly.

CAP. XIV.

An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*

[Passed April 29th, 1840.]

WHEREAS owing to the inaccuracy of the original plan and description of the Island, great difficulties have lately arisen in fixing the

points of commencement of the Boundary Lines of certain Townships in *Prince County*, under the provisions of the hereinafter recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the operation of so much of the said Act, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*, as relates in any way to the fixing and establishing of any Boundary Lines, under the provisions of the said recited Act, or of any Act or Acts in amendment thereof, be, and the same are hereby suspended, so far as regards *Prince County*, until the end of the next Session of the General Assembly.

Suspends the operation of Boundary Act of 4th Will. 4, cap. 15, and other Acts in amendment thereof, so far as regards *Prince County*, until the end of next Session of General Assembly.

II. And be it further enacted, That in case any similar difficulty shall arise in regard to *Queen's* or *King's Counties*, that then, on the same being certified to the Lieutenant Governor, by the Commissioners appointed under the said recited Acts, it shall and may be lawful for His Excellency, by and with the advice of the Executive Council, to suspend for the like period the operation of the said Act, so far as respects the Township or Townships in regard to which such difficulty may be experienced.

On Certificate of Commissioners under said Act, Lieut. Governor in Council may suspend the operation of said Acts, so far as regards any particular Township, &c. in *Queen's* or *King's Counties*.

CAP. XV.

An Act to authorize the Sale in certain cases of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited, under any Revenue Law of this Colony.

[Passed April 29th, 1840.]

WHEREAS it is deemed necessary to give the Officers of Excise appointed to enforce

the Revenue Laws of this Colony, a like authority to sell and dispose of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited, as is given to the Officers of Her Majesty's Customs in certain cases: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all Vessels, Boats, Goods, Wares and Merchandize, and other things, which shall have been or shall be hereafter seized as forfeited, in or near this Island, under any Law of the same relating to the Revenue thereof, shall be deemed and be taken to be condemned, and may be dealt with in the manner directed by Law, in respect to Vessels, Boats, Goods, Wares and Merchandize, or other things, seized and condemned for breach of any such Laws, unless the person from whom such Vessel, Boat, Goods, Wares and Merchandize, and other things, shall have been seized, or the Owner of them, or some person authorized by him, shall, when such seizure shall have been made prior to the passing of this Act, within One Calendar Month from the passing hereof, and in all seizures hereafter to be made, within One Calendar Month from the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the Collector of Excise for the District within which, or nearest to which, the same have been seized, that he claims the Vessel, Boat, Goods, Wares, Merchandize, or other things, so seized, or intends to claim them.

All Vessels, Goods, &c. seized by any Excise Officer under any Act of this Colony, may be sold.

Unless where they have been seized prior to the passing of this Act, they shall be claimed within one month after the passing of it;

and in all future seizures, within one month after seizure.

Mode of making claim.

No claim to be admitted until security be first given.

II. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, until sufficient security shall be given in the Court wherein such seizure is prosecuted, in a penalty not exceeding Thirty Pounds, current money of this Island, to answer and pay the costs occasioned by such claim; and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

CAP. XVI.

An Act to prevent the bringing Persons convicted of Felonies and Misdemeanours to this Island, from the Island of *Newfoundland*, or elsewhere in America.

[Passed April 29th, 1840.]

WHEREAS under and by virtue of some Law or Usage, the Courts in the Island of *Newfoundland* sentence persons convicted of Felonies and Misdemeanours to banishment from the said Island, and the Sheriffs of the said Island, under such law or usage as aforesaid, are in the practice of issuing Warrants under their Hands and Seals, directed to the Masters of Vessels, reciting such Convictions and Sentences, and authorizing the Masters of said Vessels to take into custody, and retain the bodies of persons so convicted and sentenced, and such Masters of Vessels have, for hire and reward, acted under such Warrants, and brought such Convicts to this Colony, thereby letting loose upon society, persons of infamous characters, and to a certain extent, making this Colony a Convict Colony, for the reception of persons convicted of Felonies and Misdemeanours in the Island of *Newfoundland*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if the Master of any Vessel, or other person whosoever, shall bring to or land in this Island, any person or persons so convicted of Felony, or of a Misdemeanour, and sentenced to banishment by any Court in the Island of *Newfoundland*, or in any other British Colony in America, under a Warrant or Authority from any Judge, Sheriff, or other Officer, such Master of Vessel, or other Person, shall, for such offence, be liable to, and pay a Penalty of Twenty Pounds and Costs, for each Person so brought to,

Masters of Vessels, &c. bringing Convicts to this Island in certain cases.

To be liable to a Penalty of £20, and costs.

Mode of recovery
of Penalty.

Appropriation of
Penalty.

or landed in this Island—to be recovered by Bill, Complaint or Information, in Her Majesty's Supreme Court of this Island, by any person prosecuting for the same; one half of said Penalty to go to, and be paid to the person who shall prosecute for the same, and the other moiety to be paid into the hands of the Treasurer of this Island, to and for the use of Her Majesty's Government.

CAP. XVII.

An Act to continue for a limited period, the several Acts providing for the summary Trial of Common Assaults and Batteries.

[Passed April 29th, 1840.]

WHEREAS the several Acts, the Titles of which are hereinafter recited, are about to expire, and it is expedient that the same be continued for a limited period: 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, intituled *An Act for the summary Trial of Common Assaults and Batteries*, and an Act passed in the Sixth Year of His said late Majesty's Reign, intituled *An Act to amend the Act for the summary Trial of Common Assaults and Batteries*, and every clause, matter, and thing therein respectively contained, be continued, and remain in force for Five Years, and from thence to the end of the then next Session of the General Assembly.

Assault and Battery Acts of the 4th Will. 4, cap. 2 and 6th, of the same King, cap. 3, continued for 5 years, and to the end of the then next Session of the General Assembly.

CAP. XVIII.

An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks.

[Passed April 29th, 1840.]

WHEREAS it may be expedient, in the different Districts of this Island, to empower Commissioners under the Small Debt Act (so called,) and Justices of the Peace forming Courts for the Trial of certain causes and offences, under the different Statutes of this Island, to appoint a Clerk to assist them in the management of the business of their respective Courts: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful, in the different Districts of this Island, to or for any Commissioner or Commissioners appointed by virtue of the said Small Debt Act, or Justices of the Peace holding Courts for the Trial of certain causes and offences, under and by virtue of various Statutes of this Island, if he or they shall deem it necessary, to appoint a Clerk—and for whose act or acts in the discharge of his duty, such Commissioner or Commissioners, or Justices of the Peace, making such an appointment, shall be at all times responsible, to assist him or them in the discharge of the duties of his or their respective Courts; which Clerk, when duly appointed and sworn into office, shall have full power and authority, under the directions of the said Commissioner or Commissioners, or Justices of the Peace, to administer an Oath, execute papers of Appeal, Recognizance and Conviction, and issue Processes in all matters appertaining to the Court, to which the said Clerk may have been appointed; and for his services the said Clerk shall be remu-

Authorizes Commissioners of Small Debts and Justices of the Peace in certain cases to appoint Clerks.

Commissioners and Justices to be responsible for Clerks appointed by them.

Duty of Clerks so appointed.

Remuneration of Clerks.

nerated by the said Commissioner or Commissioners, or Justices of the Peace, in such way and on such terms as shall be agreed upon between the said Clerk and the Commissioner or Commissioners, or Justices of the Peace, who may or shall have appointed him.

No fees to be taken beyond those allowed by previous Acts.

II. Provided always, and be it enacted, That no other or greater Fee or Fees in any matter or suit, shall be taken, or ordered to be taken, than have hitherto been taken as established by the different Acts, under which Commissioners of Small Debts and Justices of the Peace, from time to time, have been empowered to act.

Books of Record directed to be kept under Small Debt Act of the 2d Will. 4, cap. 1, to be in future kept by Clerks when appointed.

III. And whereas it is enacted, by the Eighteenth Section of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts*, that Commissioners appointed under the Act above referred to, shall keep Books of Record of their proceedings: Be it further enacted, That if any Commissioner or Commissioners shall find it necessary to appoint a Clerk as aforesaid, the keeping of a Book of Record by such Commissioner or Commissioners shall be dispensed with, and it shall be necessary for the said Clerk only to keep such Book of Record, in which he shall carefully insert, and he is hereby authorized so to do, all Orders and Judgments given by the said Commissioner or Commissioners, which said Judgments shall in all cases be signed by said Commissioner or Commissioners, in said Book of Record, and every matter and thing relative thereto, any usage, custom or enactment to the contrary notwithstanding.

Commissioner or Justice may revoke appointment of Clerk.

IV. And be it enacted, That if any Justice of the Peace, Commissioner or Commissioners, as aforesaid, shall see fit to revoke such appointment,

he or they shall be authorized to do so, and the Book so to be kept by any such Clerk as aforesaid, shall be handed over to the Commissioner or Commissioners, who shall have appointed such Clerk, on his going out of office, or being superseded; and if the said Clerk shall neglect or refuse to deliver up to the said Commissioner or Commissioners such Book when demanded, he shall forfeit and pay for such offence a sum not exceeding Twenty Pounds, to be recovered with Costs, in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Duty of Clerk on retaking of appointment.

Penalty on Clerk refusing to hand over Book of Record when demanded.

Mode of recovery of Fine, and appropriation.

V. And be it enacted, That this Act shall continue and be in force for the space of Three Years, and from thence to the end of the then next Session of the General Assembly.

Continuance of Act.

CAP. XIX.

An Act to authorize the appointment of Coroners in *King's* and *Prince* Counties.

[Passed April 29th, 1840.]

WHEREAS from the increase of Population in this Island, it is deemed necessary that a Coroner be appointed for each of the Counties of *King's* and *Prince* Counties, respectively: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint a Coroner in and for each of the Counties of *King's* and *Prince* Counties, respectively; and which Coroners, when so appointed, shall reside within their respective Counties, and shall be entitled to all and singular the fees, perquisites and emoluments of right belonging to the said Office of Coroner.

Lieut. Governor, &c. with advice of Council, to appoint Coroners for *King's* and *Prince* Counties.

When such appointments made, the present Coroner for this Island to act as Coroner for Queen's County alone.

II. And be it further enacted, That when and so soon as Coroners shall be appointed for the Counties of *Prince County* and *King's County*, respectively, as aforesaid, the authority and jurisdiction of the person holding the Office of Coroner of this Island shall be confined to the County of *Queen's County*—any law, usage, custom, or patent of office to the contrary notwithstanding.

Suspending Clause.

III. And be it enacted, That nothing herein contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

CAP. XX.

An Act to facilitate the intercourse between this Island and the Provinces of *Nova Scotia* and *New Brunswick*.

[Passed April 29th, 1840.]

WHEREAS it will greatly improve the Commerce of this Colony, if the Public were afforded a more general and constant intercourse with the Provinces of *Nova Scotia* and *New Brunswick* than is now maintained through the means of the Packet at present employed by the Government of the Island, to run with the Mails between the Harbours of *Charlottetown*, *Pictou*, and *Miramichi*, and it is expedient to give encouragement to such persons as will provide and maintain at the different stations herein-after mentioned, Packet Vessels, and which will serve at all times, as occasion may require, for the conveyance of Goods and Passengers, to or from this Island, and of any Mails or Despatches relating to Her Majesty's Government: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall and may be lawful for

His Excellency the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to authorize, by License under his Hand and Seal, any person or persons to run a Packet Vessel or Vessels, between the Harbour of *Georgetown*, in this Island, and the Harbour of *Pictou*, in *Nova Scotia*; and also, between the Harbour of *Bedeque*, in this Island, and the Harbour of *Shediac*, in the Province of *New Brunswick*, calling at *Green's Wharf* on his arrival at *Bedeque*, and proceeding from thence to *Hurd's Point*, and returning to *Green's Shore*, previous to his departure from the said Harbour of *Bedeque*—in every of which Licenses it shall be required of the person to whom granted, that the Packet Vessel to be employed, shall be of the burthen of not less than Thirty-five Tons, old admeasurement, and shall be sufficiently manred and furnished for the safe keeping and conveyance of all and every such Mail or Mails, Packages, Despatches, and Letters, for or belonging to the Government of this Island, or relating thereto, and which may be committed to the care of the person or persons to whom such License shall be given; and also, that such Packet Vessel shall have necessary and sufficient accommodations for Passengers, and shall run between the Harbours at the respective stations of such Packets before mentioned, at least once in every week, between the opening of the Navigation and the closing of the same, during the period for which such License shall be granted; and such License shall also contain such further regulations to be observed by the person to whom granted, as to His Excellency the Lieutenant Governor in Council shall seem needful and necessary for the safe and speedy reception, transmission, and delivery of such Mails, Packages, Letters, and Despatches, as aforesaid.

Lieut. Governor in Council to authorize by License any person to run a Packet between *Georgetown Harbour* and the Harbour of *Pictou*, *Nova Scotia*, and also between *Bedeque Harbour* and the Harbour of *Shediac*, in *New Brunswick*.
Route of *Bedeque* and *Shediac* Packet.

Conditions of Licences.

And such further regulations as Lieut. Governor and Council deem necessary.

II. And be it enacted, That during the continuance of this Act, there shall be granted and paid

£50 annually to be paid to person running Georgetown and Pictou Packet;

And £30 annually to person running Bedeque and Shediac Packet.

By half yearly payments.

No payment to be made unless Lieut. Governor and Council satisfied that conditions of License have been fulfilled.

Lieut. Governor and Council may cancel License, if not fulfilled, and grant a new one to other person.

Rates of passage, &c. to be submitted to Lieut. Governor in

out of the Public Treasury of this Island, by Warrant under the Hand and Seal of the Administrator of the Government for the time being, to the person who shall be Licensed to run the Packet between *Georgetown* and *Pictou* aforesaid, the annual sum of Fifty Pounds; and to the person who shall be Licensed to run the Packet between *Bedeque* and *Shediac* aforesaid, the annual sum of Thirty Pounds, during the continuance of their respective Licenses—the one half of which payment to be made on the Fifteenth day of *August*, and the remainder at the closing of the Navigation in each year: Provided, That in every instance before any of the said payments shall be made, the person or persons so Licensed shall make it appear to the satisfaction of the Administrator of the Government for the time being, and Her Majesty's Council, that he or they have in all things fulfilled and complied with the conditions in his or their said License contained.

III. Provided also, and be it further enacted, That if it shall be made to appear to the satisfaction of the Lieutenant Governor and Council, that any person or persons who shall or may have obtained a License to run a Packet at either of the stations mentioned in this Act, shall have wilfully neglected or refused to fulfil the conditions prescribed by such License, it shall be lawful for the Lieutenant Governor in Council to cancel such License, and to grant a new License to any other person or persons who shall be willing to comply with the provisions of this Act; and the person or persons so neglecting or refusing to comply with the regulations contained in such License as aforesaid, shall not be entitled to any portion of the Bounty granted by this Act.

IV. And be it enacted, That any person or persons applying to the Lieutenant Governor in Council for a License as aforesaid, shall submit a Schedule

of the several rates to be by such person or persons charged for Passengers, Goods, and Cattle, which, if agreed to, shall, together with the stated times of sailing of such Packet, be published three times in the Island Newspapers, for public information, and a copy thereof kept posted in a conspicuous part of such Packet; and such person or persons shall not be entitled to the Bounty allowed by this Act, if he or they shall increase the amount of such rates, during the continuance of such License as aforesaid.

Council, and to be approved of by him.

Rates to be published, and to be posted in such Packet.

V. And be it enacted, That this Act shall continue and be in force for the space of Three Years from the passing hereof, and no longer.

Continuance of Act.

CAP. XXI.

An Act to authorize the erection of a Building near *Charlottetown*, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same.

[Passed April 29th, 1840.]

WHEREAS by a Despatch from the Right Honorable the Marquis of *Normanby*, Her Majesty's late Principal Secretary of State for the Colonies, bearing date the Seventh day of *August*, One thousand eight hundred and thirty-nine, in answer to an application from His Excellency Sir *Charles Augustus Fitz Roy*, Lieutenant Governor of this Island, made at the request of the House of Assembly, His Lordship has been pleased to state, that My Lords Commissioners of Her Majesty's Treasury have no objections to the appropriation of the sum of Fifteen hundred Pounds out

Lieut. Governor, with advice of Council, to purchase a site for a Lunatic Asylum.

Size and situation of such site.

Mode of payment for the same.

Sum appropriated for purchase of such site.

of the accruing produce of the sales of Crown Lands in this Colony, to the erection in *Charlottetown* of a Building, required as an Asylum for Insane persons, and other objects of charity, on condition of the House of Assembly making suitable provision for the future maintenance thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government of this Island for the time being, by and with the advice and consent of Her Majesty's Council, to purchase a convenient tract or parcel of ground, comprising an area of from Twenty to Fifty Acres, within or near to the Common of *Charlottetown*, for a site whereon to erect a Building for an Asylum for Insane persons, and other objects of charity, and to draw Warrants on the Treasury of this Island for the payment of the same: Provided, that the sum so to be paid for the said tract of land shall not exceed Five hundred Pounds.

Lieut. Governor, &c. in Council to appoint 5 Commissioners to superintend the erection of such building, according to a certain Plan approved of by Imperial Government.

Duty of Commissioners.

Limits the expense of building to £1500.

II. And be it enacted, That the Administrator of the Government, with the advice of Her Majesty's Council, is hereby empowered to nominate and appoint Five Commissioners to superintend the erection of a Building suitable for an Asylum for insane persons, and other objects of charity, agreeably to a Plan and Specification submitted by the Legislature of this Island to Her Majesty's Government—a copy of which is deposited in the Office of the Colonial Secretary of this Colony; and which said Commissioners, when so appointed, are hereby authorized to make such Contract or Contracts, for the purchase of materials for erecting and finishing the said Building, and for Workmanship, as they, or the major part of them, may think proper: Provided always, that the expense of erecting and completing the said Building shall not in the whole exceed the sum of Fifteen hundred Pounds.

III. And be it enacted, That the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, be, and he is hereby empowered, to draw Warrants on the Treasurer of this Island, requiring him to pay out of the Moneys arising from the produce of the sales of Crown Lands, and which now are or hereafter may be in his hands, at the requisition of the said Commissioners, the sum authorized by Her Majesty's Government, to be appropriated for the said Building, or any part thereof, at such times and in such proportions as they may deem necessary.

Mode of payment
for the building
of Asylum.

IV. And be it enacted, That when and so soon as the said Building shall be completed, it shall be lawful for the Administrator of the Government, by and with the advice of Her Majesty's Council, to nominate and appoint Two Members of the Legislative Council, and the House of Assembly shall select and choose five of their Members, who shall continue in office during the existence of the said House, of whom one shall be from each County, who, together with the Chief Justice, the President of the Legislative Council, and the Speaker of the House of Assembly, and their Successors in office, shall be Trustees; and which said Trustees shall have power, from time to time, to make and ordain such Rules and Regulations for the management of the said Asylum and House of Industry, and to appoint the several Officers required, and to fix and determine the amount of Salaries to be paid to such Officers, as to them, or the majority of them, shall seem needful and necessary.

Lieut. Governor,
&c. in Council to
appoint 2 Mem-
bers of Legis-
lative Council.
House of Assem-
bly to choose 5
of their Members;

who, with Chief
Justice, Presi-
dent of Legisla-
tive Council, and
Speaker of
Assembly for the
time being, shall
be Trustees of
Asylum.
Powers of
Trustees.

V. And be it enacted, That in case of the removal from the said Council, by death or otherwise, or in case of absence from this Island of any of the Members of Council hereafter to be appointed Trustees as aforesaid, it shall and may be lawful to and for the Lieutenant Governor, to nominate and appoint Two Trustees, Members of the Legis-

Vacancies by
death or other-
wise, how filled
up.

lative Council, in their room; and that in case of the removal, by death or otherwise, of any of the said Members of the House of Assembly hereafter to be selected and chosen Trustees as aforesaid, or shall be absent from this Island, it shall and may be lawful to and for the said House of Assembly to select and choose other Members of Assembly, from the respective Counties as aforesaid, in the same manner as is set forth in the Fourth Section of this Act, at the then next Session of the House of Assembly, when such vacancy as aforesaid may arise.

Duty of Trustees.

VI. And be it enacted, That the said Trustees shall cause a correct account of all Moneys expended in and about the said Asylum and House of Industry, together with a Report, containing the names of all persons admitted as inmates thereof, and of those discharged therefrom, to be laid before the Legislature annually, on or before the First day of *March* in each year.

6 of Trustees to be a quorum.

VII. And be it enacted, That Six of the said Trustees shall constitute a Quorum, to be competent to transact business.

Lieut. Governor, &c. to be Visiter of Asylum.

VIII. And be it enacted, That His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, shall be Visiter of the said Lunatic Asylum and House of Industry.

Grants £350 annually for the support of Asylum.

To be drawn by Warrants on Treasury, on

IX. And be it enacted, That from and out of the Moneys which shall from time to time be and remain in the Treasury of this Island, there shall be granted and paid towards the support and maintenance of the said Lunatic Asylum, Infirmary, and House of Industry, the annual sum of Three hundred and Fifty Pounds, or as much thereof as shall from time to time be required—the said sum to be drawn by Warrant, under the Hand and Seal

of the Administrator of the Government, with the advice of Her Majesty's Council, on application of the Trustees for the time being; and that the sum of One hundred and Fifty Pounds be granted and placed at the disposal of the said Trustees, for the purpose of providing the necessary Bedding and Furniture for the said Institution.

application of Trustees.

Grants £150 for building and furniture for Asylum.

X. And be it enacted, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure thereon shall be signified.

Suspending Clause.

CAP. XXII.

An Act to amend the Act relating to Merchant Seamen.

[Passed April 29th, 1840.]

WHEREAS it is deemed expedient to amend an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act relating to Merchant Seamen of this Island*: Be it enacted, by the Lieutenant Governor, Council and Assembly, That whenever any Seaman is committed to Jail for desertion, neglect or refusal of duty, under the Sixth Section of the aforesaid Act, it shall and may be lawful for the Justice who shall have committed such Seaman to Jail, on application being made to him by the Master, Mate, or Owner, on whose Oath the said Seaman may have been apprehended and committed to Jail, to order the Jailer of said Jail to deliver up the said Seaman, on the Fees of the said Jailer being paid, at any time within the period for which the said Seaman may have been committed to Jail, in order that he may be safely taken on board the Vessel, to proceed on the voyage he had bound himself to perform.

Seamen committed to Jail for desertion may be returned to Master or Owner of Vessel, in order to proceed on Voyage.

Mode of proceeding where Owner or Master of Vessel believes Seamen deserters to be harboured.

Duty of Justice of the Peace on complaint made.

Duty of Constable on Warrant directed to him.

Duty of Justice on apprehension of Seamen Deserters.

Penalty on persons obstructing Constable in searching for Deserters.

Mode of recovery of penalty.

Penalty on persons harbouring Seamen Deserters.

II. And be it enacted, That if proof be made upon Oath by the Owner, Agent, or Master of any Ship or Vessel, before any of Her Majesty's Justices of the Peace in this Island, that any Seaman or Mariner belonging to such Ship or Vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other Ship or Vessel within any of the Harbours of this Island, or in any Tavern, Pot-house, or other House or place within the County for which such Justice shall be appointed; or if Oath be made that such Owner, Agent, or Master hath good reason to suspect, and doth verily believe that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice to issue his Warrant to any of the Constables or Peace Officers within the County, to make search on board such Ship or Vessel, or in such Tavern, Pot-house, or other place; and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be brought before him, and upon conviction of his having so deserted or absented himself, shall cause such Seaman to be delivered over to the Owner or Master of the Ship or Vessel to which such Seaman shall belong, to be carried on board such Ship or Vessel, or to be committed to Prison as directed in the Sixth Section of the before-recited Act; and any person or persons refusing to allow, or in any way obstructing any Constable or other Officer in the execution of his duty, in making a search for any Seaman in any Vessel, House, or other place, shall pay a Fine not exceeding Fifty Pounds, to be sued for and recovered as directed in the Twenty-fifth Section of the before recited Act.

III. And be it further enacted, That if any person shall, either on ship-board, or on shore, harbour or secrete a Seaman who shall have signed an Agreement to proceed on a voyage to parts

beyond the seas, and shall have deserted or absented himself without leave from his Ship, knowing or having reason to believe him to be a Deserter, or to be absent without leave, every person so offending shall, for every such Seaman so harboured or secreted, forfeit and pay a sum not exceeding Fifty Pounds, in addition to a Fine of Five Pounds, as imposed for such offence by the Tenth Section of the before recited Act—such Fine to be sued for and recovered in the manner directed in the Second Section of this Act.

Mode of recovery of penalty.

IV. And be it further enacted, That no Seaman committed to Jail for any offence within the Act intituled *An Act relating to Merchant Seamen of this Island*, shall in any case be put to hard labour, any thing in the said Act to the contrary notwithstanding.

Seamen committed under Act of 7th Will. 4, cap. 3, not to be put to hard labour.

V. And be it further enacted, That any Warrant issued for the apprehension of any Seaman, for desertion, neglect or refusal of duty, in one County, may be executed in any other County in this Island, by the said Warrant being indorsed by any Justice of the Peace residing within the County where such Seaman may be found, any law or usage heretofore, to the contrary notwithstanding; and which indorsation the said Justice of the Peace is hereby required to make, and which shall be in the form following—(that is to say):

Warrant issued in one County may be indorsed by Justice in another County and be in force in such County.

You [*here insert the name of the Constable,*] are hereby authorized to execute the within Warrant, within the County of

Form of Indorsement on Warrant.

Dated at the day of
And such Constable shall be paid his usual and accustomed Fees.

VI. And be it further enacted, That this Act shall continue and be in force for and during the space of Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXIII.

An Act to explain a certain part of an Act, intituled *An Act for levying an Assessment on all Lands in this Island.*

[Passed April 29th, 1840.]

No Writ of Fieri Facias issued under Land Assessment Act of the 7th Will. 4, cap. 31, to be directed to any Coroner unless Sheriff be interested.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no Writ of *Fieri Facias*, or other Writ issued under the authority of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, shall hereafter be executed by the Coroner of this Island, or of any County within the same, unless in such cases where the Sheriff or his Deputy shall be personally interested, or otherwise disqualified, any thing in the said recited Act, or any other Act, to the contrary notwithstanding.

CAP. XXIV.

An Act to amend the Act enabling Married Women to convey Real Estate during their Coverture.

[Passed April 29th, 1840.]

WHEREAS by an Act passed in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act to render valid Conveyances of Real Estates of Married Women, by them made or to be made, during their Coverture*, no provision is made to enable Married Women, residing out of this Island, to release their right of Dower in any Lands or Tenements therein: Be it

therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and so often as any Married Woman, residing out of this Island, and having a right of Dower in any Lands or Tenements situate therein, shall be desirous of disposing of or relinquishing such her right of Dower, it shall be lawful for any Judge of any Court of Record, or other superior Court of Justice, Chancellor, or Master in Chancery, any Member of Her Majesty's Council, Colonial Secretary, or Justice of the Peace, in and for the Country, Province, or Colony where such Married Woman shall reside, to take her acknowledgment that the Deed or Instrument by which she may purport to convey away her right of Dower is her free and voluntary act and deed, and executed for the purposes in the Deed or Instrument mentioned, and without any force or compulsion by her Husband; and which acknowledgment, when certified after the manner prescribed in the before recited Act, and the signature of the Justice or other person taking the same authenticated in manner herein-after mentioned, shall have the same force and effect as if the same were acknowledged and certified in this Island; and it shall be lawful in like cases for any Married Woman, by any Deed or Instrument in writing under her Hand and Seal, and executed in the presence of one or more credible Witness or Witnesses, to constitute any person her Attorney, to release and convey away her right of Dower in or to any Lands or Tenements within this Island: Provided, that such Lands or Tenements be described with sufficient certainty in such Power of Attorney, and that an acknowledgment of renunciation of Dower in manner herein-before prescribed, be duly certified on or within the said Power of Attorney, and that the signature of the Justice or other person granting the said Certificate of acknowledgment be duly authenticated, and the said Power of Attorney duly registered, in conformity with the Laws of this Island for the registration of

Mode of proceeding to obtain a release of Dower where married Females reside out of this Colony.

such Instruments: Provided also, that the said acknowledgment of renunciation of Dower, as certified on or within such Power of Attorney, shall be deemed to take effect only from the period when the Deed or Conveyance of such mentioned Lands or Tenements shall be executed in pursuance of such Power of Attorney.

CAP. XXV.

An Act to continue the Act for regulating the manner of proceeding on Controverted Elections.

[Passed April 29th, 1840.]

Continues Act of the 6th Will. 4, cap. 20, for regulating the manner of proceeding on contested Elections for 3 years, and to the end of next Session of General Assembly.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the manner of proceeding upon Contested Elections of Members to serve in the General Assembly*, be, and the same is hereby continued for Three Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XXVI.

An Act to amend an Act made and passed in the First Year of Her present Majesty's Reign, intituled *An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled "An Act to consolidate and amend the Election Laws."*

[Passed April 29th, 1840.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in the event of any Candidate, or any Elector representing a Candidate, objecting to any Vote or Votes, and persisting in a Scrutiny thereof after such Voter or Voters shall have taken the Oath in Schedule (C.) to the said recited Act annexed; then in the event of such Vote or Votes being found good on Scrutiny, the entire expenses of substantiating such Vote or Votes shall be borne by the party or parties who shall have objected to such Vote or Votes, or in case the party or parties who shall have so objected shall decline the Scrutiny, by the Candidate or Candidates, Elector or Electors, who shall insist on the Scrutiny of such Vote or Votes: Provided always, that in regard to Votes found upon Scrutiny to be bad Votes, nothing herein contained shall be construed to empower the Returning Officer to recover the expenses of the Scrutiny on such bad Votes from the person or persons who objected to the same, but that the Candidate or Candidates in whose favour they shall have been given shall be solely responsible for the same.

Candidate demanding a Scrutiny and persisting therein to pay all expense of such Scrutiny, if votes be found good.

II. And be it further enacted, That no Returning Officer shall be bound to enter upon the Scrutiny of any Vote or Votes so objected to as afore-

No Returning Officer to proceed with Scrutiny, unless security be

found to his satisfaction for the payment of expenses.

said, unless the person or persons objecting to such Vote or Votes, and persisting in such objection, or the Candidate or Candidates, or Elector or Electors representing any Candidate or Candidates, who shall insist upon such Scrutiny, shall find security, to the satisfaction of such Returning Officer, that if such Vote or Votes be found good, the expense of proving the same shall be paid by the person or persons insisting on such Scrutiny.

CAP. XXVII.

An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council.

[Passed April 29th, 1840.]

WHEREAS the Offices of Registrar of Deeds and Clerk of the Executive Council are now combined with that of Colonial Secretary, and the Salary payable by the Imperial Government to that Officer is One hundred and Fifty Pounds, Sterling, and the amount received by him from this Island, for his services in the before named departments, is at present derived from certain Fees payable by the Laws of this Island: and whereas it is deemed expedient to establish and fix a certain amount to be paid annually to that officer, in lieu and full of all Fees and Emoluments hitherto payable to him, for the various duties heretofore and henceforth devolving on him, in respect of the aforesaid offices: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be allowed and paid to the person holding for the time being the office of Colonial Secretary and Registrar and Clerk of the Executive Council, the Sum of Four hundred Pounds *per annum*, currency of this Island, over and above any sum he may receive from

£400 currency per annum to be paid to Colonial Secretary, &c. over and above sum by him received from Imperial Government in lieu of all Fees, &c.

the Imperial Government, in lieu of all Fees, Emoluments and Allowances whatsoever, now by the Laws of this Island payable to that Officer, in respect of any service or duty to be performed by him, and heretofore paid or payable by, or on behalf of the Government of this Island, and by all other persons whomsoever and appertaining to any of the Offices aforesaid—which said Salary shall commence and be computed from the First day of *July* next, payable by Warrant, to be issued quarterly by the Lieutenant Governor in Council.

Commencement of Salary.

II. And be it enacted, That the said Colonial Secretary shall keep an exact and correct Account of all Fees and Emoluments whatsoever to him paid or payable, from and after the First day of *July* aforesaid, and shall account to the Government of this Island for the same, and pay the amount thereof into the hands of the Treasurer of this Island, quarterly, in every year—the first payment thereof to be made on the First day of *October* next ensuing, and to be applied to and for the use of Her Majesty's Government of this Island, in such manner as shall be appropriated by any Act or Acts of the Legislature of this Island.

Colonial Secretary to keep an account of all Fees received by him after 1st *July* next, and pay over the same to Treasurer quarterly.

Commencement of quarterly payments.

Appropriation of such Fees.

III. And be it further enacted, That in case the person holding the said Office of Colonial Secretary and Registrar as aforesaid, shall refuse or wilfully neglect to account to the Treasurer, as required and prescribed in the preceding Section, each and every such person shall forfeit and pay for each and every refusal or neglect the sum of Fifty Pounds, over and above any deficiency or defalcation in the said Monies so to him payable—the said Penalty to be recovered by Bill, Complaint or Information, in the Supreme Court of Judicature of this Island, to and for the use of Her Majesty's Government.

Penalty on Colonial Secretary for refusal or neglect in this respect.

Mode of recovery of penalty and appropriation.

Ex. G. A.
6/22/07