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THE
STATUTES

OF

NOVA SCOTIA,

PASSED IN THE FOURTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

HELD

ON THE THIRD FEBRUARY, 1859.



HALIFAX:

PRINTED BY A. GRANT,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

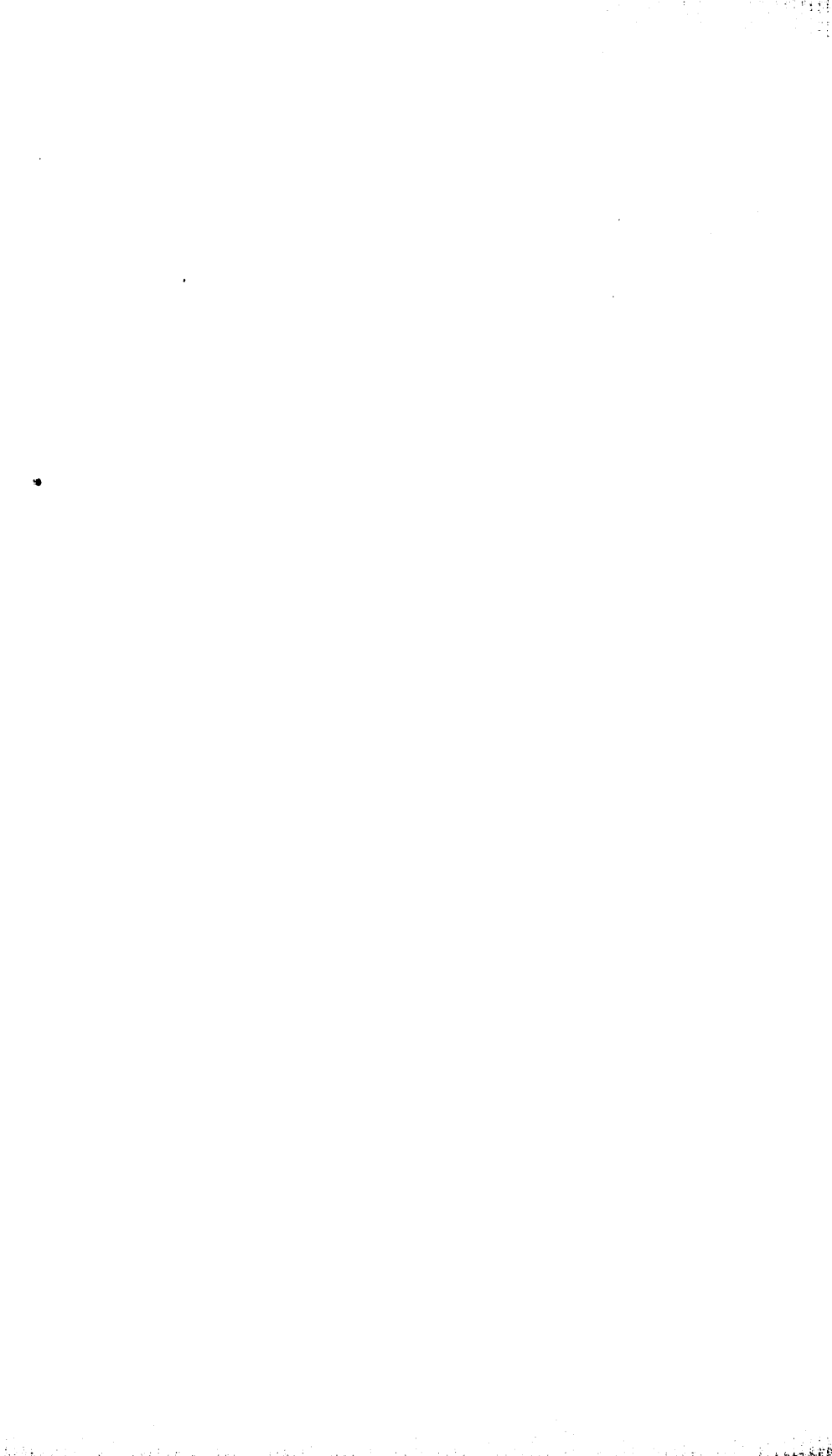


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OF

NOVA SCOTIA.

22°. VICTORIÆ.

1859.

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At the General Assembly of the province of Nova-Scotia, begun and holden at Halifax, on Thursday the third day of February, 1859, in the twenty-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, &c., &c., &c., being the fourth session of the twenty-first General Assembly convened in the said province.*

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

CHAPTER 1.

An Act for the better Equalizing the Elective Franchise in certain Counties.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Representation of Lunenburg, Annapolis, Digby, Cumberland, Richmond, and Cape Breton, to be by Counties only. Counties returning 3 Members. Counties returning 2 Members. Right to vote for Township Members abolished.
2. Counties divided into two divisions each sending two Members. Exception.
3. Halifax—names of divisions. Western defined—number of Members. Eastern defined—number of Members.
4. Hants—names of divisions Polling districts Nos. 7 and 8 altered. Northern defined. Southern defined. No. of Members.
5. Colchester—names of divisions—Northern defined. Southern defined. No. of Members.

SECTION.

6. Pictou—names of divisions. Western defined. Eastern defined. No. of Members
7. Kings—names of divisions. Line of division. Northern defined. Southern defined. No. of Members. Polling Districts. Nos. 3, 4, 5. No. 5 polling place. No. 12. Polling place. No. 6. Polling place. No. 13. Polling place. No. 10. Polling place. No. 11. Polling place.
8. Counties not to return Representatives except as before mentioned.
9. Inverness to return three Members.
10. Electors must vote in district where they reside.
11. House of Assembly—No. of Members. Qualifications, &c.
12. Writs how issued.

Whereas the privilege of returning members to the General assembly is enjoyed unequally by the inhabitants of the counties of Halifax, Lunenburg, Kings, Hants, Annapolis, Digby, Cumberland, Pictou, Richmond, and Cape Breton, by reason of some portions of the electors being debarred the right which others exercise of returning township as well as county members:

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

1. The election of members to serve in the general assembly of this province for the counties of Lunenburg, Annapolis, Digby, Cumberland, Richmond, and Cape Breton, shall, after the expiration of the present House of Assembly, be by coun-

Representation of Lunenburg, Annapolis, Digby, Cumberland, Richmond and Cape Bre-

ton, to be by
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Counties re-
turning 3 mem-
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Right to vote
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ed into two di-
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sending two
members.

Exception.

Halifax—names
of divisions.

Western defin-
ed—number of
members.

Eastern defined
—number of
members.

Hants—names
of divisions.

Districts Nos.
and 8 altered.

ties only, and not as at present by counties and townships; and thenceforth each of the said counties of Lunenburg, Annapolis, Digby, and Cumberland shall be represented by three members in the general assembly, to be chosen by all the electors of the counties unitedly, and not as heretofore by three members chosen by different constituencies; and the said counties of Cape Breton and Richmond shall each be represented in general assembly by two members, to be chosen by all the electors of the county unitedly, and not as heretofore by different constituencies; and the electors of the townships of Lunenburg, Annapolis, and Clements, Granville, Digby, Amherst, Isle Madame, and Sydney, shall not thenceforth choose or return members to serve in general assembly, except as electors for the county.

2. For the purpose of representation in general assembly, each of the Counties of Halifax, Kings, Hants, Colchester, and Pictou, after the expiration of the present house of assembly, shall be separated into two electoral divisions, each of which two electoral divisions, in place of the members now elected in those counties, respectively, shall return two members, except the western electoral division of the county of Halifax, which, including the city of Halifax, shall return three members.

3. The two electoral divisions of the county of Halifax shall be called, respectively, the western electoral division and eastern electoral division of the county of Halifax. The western electoral division shall comprise the township of Halifax, including the city of Halifax, and shall embrace the polling districts numbers one, two, three, four, five, and six, in the city, and numbers seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, in the rest of the township, and the electors of the said western division shall return three members to serve in the general assembly; and the eastern electoral division shall comprise the rest of the county of Halifax, including the polling districts numbers seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one, and the electors of the said eastern division shall return two members to serve in general assembly, and the five members so to be chosen shall be in place of the four members now returned by the different constituencies in that county.

4. The two electoral divisions of the county of Hants shall, respectively, be called the northern electoral division and the southern electoral division of the county of Hants. The polling district in the said county of Hants number seven shall, after the passing of this act be bounded on the south by a straight line which, running from the point of junction of the River Hebert with the eastern line of polling district number eight in the said county, shall strike the point of junction of

the western line of polling district number ten with the Nine Mile River, and all that triangular tract of land now belonging to number seven, which lies to the southward of the said line, and which is hereby separated from number seven, shall, after the passing of this act, be annexed to and be part of polling district number eight. The northern division shall comprise the polling districts numbers four, six, nine, and eleven, as at present defined, and number seven as hereby abridged and altered; and the southern division shall comprise the polling districts numbers one, two, three, five, and ten, as at present defined, and number eight as hereby enlarged. The electors of each of the said divisions shall elect and return two representatives to serve in general assembly, and the four members so chosen shall be in the place of the five members now returned by the different constituencies in that county.

Northern defined.

Southern defined.

No. of members.

5. The two electoral divisions of the county of Colchester shall, respectively, be called the northern electoral division and the southern electoral division of the county of Colchester. The northern division shall comprise the present polling districts numbers six, eight, nine, ten, eleven, twelve, and thirteen; and the southern division shall comprise the present polling districts numbers one, two, three, four, five, and seven. The electors of each of the said divisions shall elect and return two representatives to serve in general assembly, and the four members so chosen shall be in place of the four members now returned by the different constituencies in that county.

Colchester—names of divisions.

Northern defined.

Southern defined.

No. of members.

6. The two electoral divisions of the county of Pictou shall, respectively, be called the western electoral division and the eastern electoral division of the county of Pictou. The western electoral division shall comprise the township of Pictou, and shall embrace the following polling districts: numbers one, two, three, four, five, six, seven, eight, nine, ten, and eleven; and the eastern electoral division shall comprise the townships of Egerton and Maxwelton, and the rest of the county of Pictou, and shall embrace the polling districts numbers twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two. The electors of each of the said electoral divisions shall elect and return two representatives to serve in general assembly and the four members to be chosen shall be in the place of the three members now returned by the different constituencies in the county of Pictou.

Pictou—names of divisions.

Western defined.

Eastern defined.

No. of members.

7. The two electoral divisions in the county of Kings shall, respectively, be called the northern electoral division and the southern electoral division of the county of Kings, which two divisions shall comprise the whole county, and be divided by a line described as follows, that is to say: by the line separating the townships of Horton and Cornwallis from the Basin of Minas up the Cornwallis River as far as the river is the

Kings—names of divisions.

Line of division.

division of these townships near Kentville, and thence continuing along the centre of the river to its source in the Carriboo Bog, thence west to the line dividing Cornwallis and Aylesford, thence southerly by that line to the centre of the Main Post road, thence by the centre of the said road westwardly to the line separating the counties of Kings and Annapolis. All that portion of the county of Kings which lies to the northward of the said line shall be the northern electoral division; and all that portion which lies to the southward of said line shall be the southern electoral division. The electors of each of the said electoral divisions shall elect and return two representatives to serve in general assembly, and the four members so to be chosen shall be in place of the four members now returned by the different constituencies in the county of Kings.

Northern defined.

Southern defined.

No. of members.

Polling districts.

The polling districts in the county of Kings shall be as follows:

Such of the polling districts as shall be wholly within the northern electoral division, as hereby established, shall be polling districts of the said northern division.

Nos. 3, 4, 5.

Those parts of the polling districts numbers three, four, and five, which lie within the said northern electoral division, as hereby established, shall be, respectively, polling districts of the said northern division, and be distinguished by the same numbers, three, four, and five, respectively, and the polling place of number five shall be at or near Edward Parker's.

No. 5 polling place.

No. 12.

And that part of Aylesford which lies within the said northern electoral division, as hereby established, shall be taken from number ten, and shall form a polling district of the said northern division, to be called number twelve, whereof the polling place shall be near the Episcopal Church.

Polling place.

Such polling districts as shall be wholly within the southern electoral division, as hereby established, shall be polling districts of the said southern division.

No. 6.

That part of polling district number three which lies within the southern electoral division, as hereby established, shall be added to polling district number six, the polling place of which is at Kentville, and those parts of polling districts numbers four and five which lie within the southern electoral division, as hereby established, shall unitedly form one polling district of the said southern electoral division, to be called number thirteen, whereof the polling place shall be at or near William Osborn's, on the Old Post Road.

Polling place No. 13.

Polling place.

No. 10.

And that part of polling district number ten in the township of Aylesford which lies within the said south electoral division, as hereby established, (not to include the polling district lately established at Dalhousie) shall be a polling district of the said southern division, to be called number ten, whereof the polling place shall be at or near Benjamin L. Palmer's.

Polling place.

And the said polling district at Dalhousie shall be a polling district of the said southern division, to be called number eleven, whereof the polling place shall be at or near the dwelling house of William Sanders.

No. 11.

Polling place.

8. After the expiration of the present house of assembly the electors in the whole of each of the said counties of Halifax, Hants, Colchester, Pictou, and Kings, shall not unitedly choose or return representatives to serve in general assembly, nor shall the electors of the townships of Halifax, Falmouth, Windsor, Newport, Pictou, Cornwallis, or Horton, nor of the present northern or southern districts of the county of Colchester, choose or return representatives, except as electors within some one of the said electoral divisions hereinbefore established and described.

Counties not to return Representatives except as before mentioned.

9. The electors of the county of Inverness, in consideration of the large population of that county, shall elect and return three members instead of two to represent them in general assembly.

Inverness to return three members.

10. At any election of a member to serve in general assembly, no person entitled to vote by reason of residence in one of the electoral divisions established by this act, shall be entitled or permitted to vote in any other electoral division by reason of real estate or of property qualification, or other cause whatever.

Electors must vote in district where they reside.

11. The house of assembly shall comprise fifty-five members. The qualification of the members and of the electors, the polling districts, and the mode of conducting elections, and taking the poll, and the nature and extent of the constituencies, and the number of their representatives, as far as they are not altered by this act, continue unchanged.

House of Assembly—No. of members—Qualifications, &c.

12. Writs for the election of members to serve in general assembly, after the expiration of the present House, shall be issued in conformity with this act so far as this act extends, and in conformity with the law now in force, as far as the same is not altered or affected by this act.

Writs, how issued.

CHAPTER 2.

An Act to regulate Customs Duties.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Act when to go into operation—Continuance.
2. Duties to be paid on all goods imported as per "Table of Duties."
3. Goods mentioned in "Table of Exemptions," free.
4. Duties to be collected and paid, and applied under Prov. Stat.

SECTION.

5. How collected.
6. To whom paid.
7. How applied. How drawn.
8. Articles Governor in Council may exempt from duty.
9. Articles exempted under Act of 1854 giving effect to treaty with U. S. not affected

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

Act when to go into operation—continuance.

1. This act shall come into operation on the first day of April, in the year one thousand eight hundred and fifty-nine, and shall continue in force until the first day of April next thereafter.

Duties to be paid on all goods imported as per "Table of Duties."

2. There shall be collected and paid to her Majesty for the use of the province upon all goods brought into this province, by sea or land carriage, the several duties, in currency, set forth in figures on the table hereinafter contained, denominated "Table of Duties," opposite the respective articles in such tables mentioned, according to the value, number, or quantity of every such article.

Goods mentioned in "Table of Exemptions," free.

3. The goods mentioned in the table hereinafter contained, denominated "Table of Exemptions," shall be free of duty.

Duties to be collected and paid, and applied under Prov. Stat.

4. The duties shall be collected, paid, and received, and the proceeds thereof applied under the provisions of the provincial statutes from time to time in force concerning the same.

How collected.

5. The duties shall be collected, paid, and received according to the weights and measures in use in this province, and where, in the table of duties, such duties are imposed according to any specific value, quantity or number, the same shall apply in the like proportion to any greater or less value, quantity, or number.

To whom paid.

6. The duties shall be paid to the collectors of the colonial revenue, and received at the office of the Receiver General, either in treasury notes at the value of twenty shillings each, or in current coin at the legal rate of tender.

How applied.

7. Duties paid into the Receiver General's office shall be carried to account of the provincial revenue, and become part of the public funds, and shall be paid and applied only to such purposes as may be expressed from time to time in the provincial statutes concerning the same, and shall in all cases be drawn only by warrant under the hand and seal of the Governor.

How drawn.

8. The Governor in Council may, whenever it shall be advisable so to do, declare by proclamation what articles the growth, production, and manufacture of the British North American Provinces of Canada, New Brunswick, Prince Edward Island, and Newfoundland, or any of them, may be imported into the province free of duty, and may declare in what manner and under what restrictions the same may be so imported.

Articles Governor in Council may exempt from duty.

9. Nothing herein contained shall operate to impose duties on articles exempted from duty under the act for giving effect on the part of the province of Nova Scotia to a certain treaty between her Majesty and the United States of America, passed in the year 1854.

Articles exempted under Act of 1854 giving effect to treaty with U. S. not affected.

TABLES OF DUTIES.

ARTICLES.	DUTIES IN CURRENCY.		
	£	S.	D.
Apples, fresh or dried, per barrel.....	0	5	0
Bacon per cental or 100 lbs.....	0	10	0
Beef, salted, per barrel.....	0	5	0
“ fresh, per 100 lbs.....	0	5	0
Biscuit, fine, and bread, including crackers or cakes, per 100 lbs.....	0	5	0
Butter, per 100 lbs.....	0	8	9
Candles, tallow, per lb.....	0	0	1½
“ all other candles, per lb.....	0	0	4
Cassia and Cinnamon, ground, per lb.....	0	0	3
Cattle, viz.: horses, mares, or geldings, each.....	2	10	0
neat cattle, viz.: oxen or other neat cattle, 3 years old or upwards, each.....	1	17	6
cows and cattle under 3 years old, each....	0	12	6
sheep, each.....	0	3	9
hogs, alive, over 100 lbs weight, each.....	1	5	0
“ of 100 lbs weight and under, each.....	0	2	6
Cheese, per 100 lbs.....	0	5	0
Chocolate or cocoa paste, per lb.....	0	0	1½
Coffee, green per lb.....	0	0	1½
roasted, burned, or ground, per lb.....	0	0	2½
Flour, wheat, per barrel.....	0	1	3
Ginger, ground, per lb.....	0	0	2
Hams, smoked or dried, per 100 lbs.....	0	10	0
Lard, per 100 lbs.....	0	8	9
Leather, viz.: sole leather, including hides and skins partially dressed therefor, per lb.....	0	0	1½
Molasses, per gallon.....	0	0	3
Onions, per 100 lb.....	0	2	6
Pears, fresh or dried, per barrel.....	0	5	0
Pork, salted, per barrel.....	0	5	0
“ fresh, per 100 lbs.....	0	5	0
Raisins, per lb.....	0	0	1
Pepper and Pimento, ground, per lb.....	0	0	2
Rum, not exceeding the strength of proof by Sykes’ hydrometer, and so in proportion for any great- er strength than the strength of proof, per gal- lon.....	0	2	3
Spirits, viz.: brandy, whiskey, gin, cordials, and other spirits, except rum, not exceeding the strength of proof by Sykes’ hydrometer, and so in proportion for any greater strength than the strength of proof, per gallon.....	0	4	0
Sugar; brown or muscovado not refined, per 100 lbs	0	7	6
candied, brown, crushed and bastard facings, and refined, per 100 lbs, each.....	0	10	0

Teas, viz. : souchong, congou, pekoe, bohea, pou-chong, and all other black teas, per lb.	0	0	3			
gunpowder, hyson, young hyson, twankay, and other green teas, per lb.	0	0	6			
Tobacco, manufactured, except snuff and cigars, per lb.	0	0	2½			
Tongues of cattle, dried or pickled, per 100 lbs.	0	10	0			
Wines, viz. : hock, constantia, malmsey, tokay, champagne, burgundy, hermitage, claret, called Mitte, latour, lafayette, margaux or hautbrian, per gallon.	0	4	6			
Madcira, port, and sherry wines, of which the first cost is £30 per pipe and upwards, per gallon.	0	4	0			
all other wines per gallon.	0	2	0			
Clocks, and all wheels, machinery, and materials used in their manufacture,	}	20	0 0			
Confectionary, syrups, and articles manufactured from sugar,						
For every £100 of the value.						
Cigars and snuff,						
Currants and figs,						
Leather, viz. : boots, shoes, and leather manufactures of all kinds ; upper leather of all sorts, including hides and skins partially dressed therefor,				10	0	0
Meat, fresh, (except beef or pork),						
Poultry of all sorts, dead,				}	5	0 0
For every £100 of the value,						
Anchors, grapnels, and anchor palms,						
Cables of hemp or other vegetable substance or of iron,						
Cotton Yarn,						
Copper, viz. : plates, sheets, bars or bolts, for ship-building, wrought or cast for machinery, pure or without other metal, copper castings of every description for machinery, for mills or steamboats, copper and composition nails and spikes for ship-building,						
Cordage, tarred or untarred, whether fitted for rigging or otherwise,						
Iron, viz. : in bars or bolts, castings for mills or steam engines, and cast or unwrought pipes or tubes, sheet iron and iron spikes,						
Machinery of all kinds of copper or iron for mills, steamboats, and manufactories, and muntz metal sheathing,						
Oakum,						
Pitch,						
For every £100 of the value,						

Sail cloth of all kinds, canvas, and sail twine, Tar, Zinc, viz. : zinc sheathing of a size 48 inches long by 14 inches wide, intended for and to be used as sheathing for vessels, and zinc sheathing nails.	}	5	0	0
For every £100 of the value.				
All other goods, wares, and merchandize not other- wise charged with duty, and not enumerated in the table of exemptions, For every £100 of the value.	}	10	0	0

TABLE OF EXEMPTIONS.

- Ashes, viz. : pot ashes and pearl ashes.
- Asses and mules.
- Baggage and apparel of passengers, not intended for sale.
- Barilla and soda ash.
- Beans.
- Biscuit or bread.
- Books not prohibited to be imported into the United Kingdom.
- Bullion, gold, or silver.
- Burr stones.
- Coal.
- Cocoa.
- Coin; gold and silver coins, and British copper coins.
- Copper, viz. : copper ore, or in pigs or bricks, old or worn, or fit only to be re-manufactured.
- Corkwood.
- Corn, viz. : wheat, ry, indian corn, barley, oats, rice, and buckwheat, unground; barley meal, rye meal, oat meal, indian meal, buckwheat meal, peas, and beans.
- Engravings.
- Fish, viz. : fresh, dried, salted, or pickled.
- Fish hooks.
- Fish oil, viz. : train oil, spermaceti oil, head matter and blubber, fins and skins, the produce of fish or creatures living in the sea.
- Flax.
- Furniture that has been in actual use, working tools and implements—the property of immigrants or persons coming to reside in the province and not intended for sale.
- Hay.
- Hemp.
- Hides or pieces of hides raw, not tanned, curried, or dressed.
- Horns.
- Horses and carriages of travellers, and horses, cattle, carriages, and other vehicles when employed in carrying merchandize, together with the necessary harness and tackle, so long as the same are actually in use for that purpose.

- Iron, viz. : unwrought or pig iron, ores of iron of all kinds, iron rails for railroads, steam boilers, boiler plates, plough moulds, and hoop iron.
- Lintels.
- Lime and Limestone.
- Lines for the fisheries, of all kinds.
- Manures of all kinds.
- Maps and Charts.
- Nets, fishing nets and seines of all kinds.
- Ores of all kinds.
- Paintings.
- Palm oil.
- Pilot bread.
- Plants, shrubs and trees.
- Plate of gold and silver, old and fit only to be re-manufactured.
- Potatoes.
- Printing presses and types, and printers' ink.
- Rags, viz. : old rags, old rope, junk, and old fishing nets.
- Rosin.
- Sails, rigging, and ship materials saved from vessels wrecked on the coast of this province, and saved from vessels owned and registered in the province if wrecked on the coast of this province or elsewhere.
- Salt.
- Seeds of all kinds.
- Skins, furs, pelts, or tails undressed.
- Stones, unmanufactured.
- Straw.
- Statuary.
- Sugar of the Maple.
- Tallow.
- Twines and lines used in the fisheries.
- Tobacco unmanufactured.
- Tow.
- Turpentine.
- Whale fin or bone.
- Wood, viz. : boards, planks, staves, square timber, shingles, and fire wood, but not to include woods used for dyeing.

CHAPTER 3.

An Act in addition to the Act to regulate the Mines of this Province.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Licences of exploration, how granted.
2. Duration of—not to enter buildings, cultivated ground, &c. Exceptions.
3. Powers, &c., of holders of licences.
4. Claim of proprietors for damages—how made, adjusted, &c.

SECTION.

5. Damages—nature of.
6. Expenses of arbitration by whom paid.
7. Appeal—proceedings on, &c.

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

1. The Governor in Council may, upon application through the crown land office, grant licence to enter upon any lands in this province, and to dig and explore for such minerals as the crown holds for the benefit of the province; a bond being first given by the applicant to the commissioner of crown lands, with sufficient sureties, to be approved by the Governor in Council, that in the event of entry being made upon private lands, recompence shall be made for damages in the manner herein-after provided.

Licences of exploration, how granted.

2. Licences of exploration shall be in force for no longer period than one year, but may be renewed; and they shall not authorize entry upon any buildings or the curtilage appurtenant to any house, store, barn, or building, or upon any garden, orchard, or grounds, reserved for ornament or under cultivation, by growing crops and enclosed, except with the consent of the occupier, or special licence by the Governor in Council authorizing such entry, to be granted on special application, setting forth the circumstances under which the same is applied for, and on such terms as the case may require.

Duration of—not to enter buildings, cultivated ground, &c.

Exceptions.

3. The licences hereinbefore mentioned shall give authority to enter upon the lands and to dig, search, and explore for minerals in the manner and with all the powers essential and necessary for that purpose, and subject to such conditions and directions as may be imposed in each case, and also to all such regulations and restrictions as the Governor in Council may, from time to time, establish.

Powers, &c., of holders of licences.

4. If the proprietor of private lands so entered upon shall seek damages, he shall, before the end of three months after the expiration of the licence, make his claim in writing upon the explorer, detailing the particulars and amount of claim, and if the claim is not adjusted by agreement between the parties within one month after notice thereof as aforesaid, the proprietor may name one arbitrator, and require one arbitrator to be named by the party from whom such damages are sought; and if no arbitrator is named by the explorer, the

Claim of proprietors for damages—how made, adjusted, &c.

custos of the county, or in case he shall be interested, the county treasurer shall name one to act on behalf of the explorer; in case of the disagreement of such arbitrators, they shall appoint a third, and on failure, the custos, or in case of his being an interested party, the county treasurer may on application name a third arbitrator, and the award of any two shall be final, subject to appeal as hereinafter provided.

Damages—nature of.

5. The damages to be given by such arbitrators shall be confined to such an amount as shall suffice as nearly as possible to place the property entered upon in the same state in which it was prior to such entry, and to such damages, if any, as have been actually sustained.

Expenses of arbitration by whom paid.

6. The expenses of arbitration shall be borne by the party against whom damages are found to be payable, not to exceed twenty shillings to each arbitrator, and the ordinary charges for witnesses; but in case of no damages being awarded each party shall bear his own costs.

Appeal—proceedings on, &c.

7. If either of the parties should be dissatisfied with the award, he may apply by affidavit to the supreme court or a judge thereof for a summons, and order to set the proceedings aside, or to alter the valuation; and such court or judge shall decide thereon as justice may require, with power to submit any question of fact to a jury before the supreme court. The costs incident to the appeal to abide the event.

CHAPTER 4.

An Act to amend Chapter 27 of the Revised Statutes, "Of the Coal Mines, and the Act in amendment thereof.

(Passed the 30th day of March, A. D. 1859.)

SECTION

- 1. Cap. 27 Rev. Stat. and cap. 23 acts 1854 extended.
- 2. Licences to work mines—how granted. Powers, &c., of holders. Proceed-

SECTION.

- ings necessary before lands are opened.
- 3. Holders of licences, leases, &c., liable for all damages.

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

Cap. 27 Rev. Stat. and cap. 23 acts 1854 extended.

1. Chapter 27 of the Revised Statutes, "Of the Coal Mines," and chapter 23 of the acts of 1854 in amendment thereof, shall extend to all mines and minerals in this province which the crown now holds for the benefit of the people, and which are not already granted or leased, and to all leases and licenses for working mines and minerals under or upon private lands.

Licences to work mines—how granted.

2. The Governor in Council, subject to such regulations as may be thought advisable, may grant licenses and leases to work such mines and minerals as before mentioned in and under private lands, which licenses and leases shall confer the power on all parties legally authorized thereunder to make

Powers, &c., of holders.

and conduct all subterranean works, and to do all other acts necessary or expedient for working the mines, removing and raising the minerals within the areas licensed or leased, and for drainage or ventilation; but before any lands are opened under such license or lease, the applicant shall proceed under the chapter and act hereby amended, to cause the lands necessary for the purposes mentioned in the said act, to be laid off, and the damages to be assessed as therein prescribed, and proceedings under the said act may be renewed as often as occasion shall require for the effectually carrying out the objects of such licenses or leases.

Proceedings necessary before lands are opened.

3. The parties obtaining such licenses and leases, or those who may derive title under them, shall be answerable for damages that may ensue from the falling in of land, or for other injury which may be sustained by the owners or tenants of such lands subsequent to the assessment of damages required by the second section by reason of the works of the parties obtaining licenses or leases, or of those under them, or deriving title from, or through them.

Holders of licenses, leases, &c., liable for all damages.

CHAPTER 5.

An Act for escheating Lands that have been forfeited to the Crown.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Cap. 129 Rev. Stat. repealed.
2. Court of Escheat abolished.
3. Inquests of office—by whom filed—where, &c.
4. Notice of inquest—how given.
5. Penalty in case tenant neglects to inform landlord of notice—how recovered.
6. Proceedings in case of non-appearance. Costs—how paid, &c.
7. Proceedings in case of appearance and plea. Costs.

SECTION.

8. Inquest may include any No. of lots in one county, but trials to be separate.
9. Where grant includes several lots, &c., forfeiture of each lot to depend upon performance of conditions respecting it
10. Plea—nature of.
11. Granting of escheated lands.

Whereas the mode of escheating lands that has been heretofore practised is cumbersome and expensive:

Preamble.

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

1. Chapter 129 of the Revised Statutes is repealed.
2. The court of escheat is hereby abolished.

Cap 129 Rev. Stat. repealed. Court of Escheat abolished. Inquests of office—by whom filed—where, &c.

3. The Governor in Council may direct the Attorney General, or in his absence the Solicitor General, to file inquests of office in the supreme court of any county where the lands lie for re-investing in the crown lands that have been granted; but which shall have been forfeited to the crown in whole or in part for non-fulfilment of the conditions in the grant.

4. A notice of the inquest, with a brief description of the lands therein, shall be published in the Royal Gazette, at

Notice of inquests—how given.

least twice, and posted up at the door of the court house, and at least five other public places in the county, within the period of three months before the commencement of the term; and if any person be living on the lands, or in actual possession and cultivation of the same, or any part thereof, a copy of the notice shall also be delivered to him.

Penalty in case tenant neglects to inform landlord of notice—how recovered.

5. If any tenant shall wilfully neglect to give information of the notice to his landlord, in case he shall be within the province, or to his known attorney, or agent, in case he shall be absent therefrom, he shall forfeit a sum not exceeding one hundred pounds, to be recovered by the party injured.

Proceedings in case of non-appearance.

6. Upon proof of such notice, if there be no appearance and plea, by a party who shall be entitled to traverse the inquest, the court, upon hearing evidence which shall be taken in writing by the judge in the usual manner, and filed with the prothonotary, and being satisfied of the non-fulfilment of the conditions of the grant, shall give judgment, re-investing the lands in whole or in part in the crown; whereupon the usual costs shall be taxed, and being certified by the judge, shall be paid out of the treasury.

Costs—how paid, &c.

Proceedings in case of appearance and plea.

7. Should such appearance and plea be put in, the cause shall be tried in the same way as other causes at common law; if judgment pass for the crown the defendant shall be liable for the usual costs; and if the defendant succeed his costs to be taxed in like manner and certified by the judge, shall be paid by the Commissioner of Crown Lands.

Costs.

Inquest may include any No. of lots in one county, but trials to be separate.

8. Any number of lots within the county may be included in the same inquest, but the traverses and trials shall be separate.

Where grant includes several lots, &c., forfeiture of each lot to depend upon performance of conditions respecting it.

9. Where one grant includes several lots, or where under one grant separate allotments are subsequently assigned to grantees or their assigns, the liability to forfeiture of each lot shall depend upon the performance of the conditions in respect of that particular lot.

Plea—nature of.

10. The plea traversing the inquest shall be confined to a simple denial of the liability to forfeiture under the terms of the grant, and of this act, and no other plea shall be allowed unless by special leave of a judge.

Granting of escheated lands.

11. Land so escheated shall not be granted to any person except to the original owner, his heirs or assigns, before the expiration of one year from the date of the judgment.

CHAPTER 6.

An Act to extend the operation of Chapter 15 of the Acts of 1858.

(Passed the 30th day of March, A. D. 1859.)

SECTION—Sec. 12 cap. 15 act 1858 extended to all counties.

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

1. Section 12 of chapter 15 of the acts of 1858, entitled, Sec. 12 cap. 15 act 1858 extended to all counties.
 An act further to amend chapter 46 of the Revised Statutes, "Of County Assessments," is hereby extended to the several counties throughout the province.

CHAPTER 7.

An Act to amend Chapter 86 of the Revised Statutes, "Of Weights and Measures."

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Hundred weight to be 100 lbs. denominated "cental." Ton to be 2000 lbs.

SECTION.

2. Inconsistent parts of amended cap. repealed. Act—when to go into operation.

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

1. Hereafter whenever any commodities are sold by the hundred weight, such weight shall be understood to mean the nett weight of one hundred pounds, avoirdupois, such weight to be denominated a cental, and the ton shall mean the nett weight of two thousand pounds, and all contracts concerning the sale of goods by weight, shall be understood and construed accordingly.

2. So much of the chapter hereby amended as is inconsistent with this act is repealed, provided that this act shall not come into operation until the first day of August next.

Hundred weight to be 100 lbs. denominated "cental."
Ton to be 2000 lbs.

Inconsistent parts of amended cap. repealed.
Act—when to go into operation

CHAPTER 8.

An Act to amend the Act to authorize Assessments to procure Fire Engines.

(Passed the 30th day of March, A. D. 1859.)

SECTION—Acts 1857 cap. 19 sec. 2 repealed. Money for engines—how assessed, collected, and applied.

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

The second clause of the act passed in the year of our Lord one thousand eight hundred and fifty-seven, entitled, "An act to authorize assessments to procure fire engines," is hereby repealed, and hereafter whenever the general sessions shall cause any monies to be assessed upon any district for the purposes of the said act, such monies shall be assessed, levied, and collected within the limits of such district, in the same manner as poor rates are assessed, levied, and collected, and be applied under the direction of the sessions, for the purposes contemplated.

Acts 1857 cap. 19 sec. 2 repealed.

Money for engines—how assessed, collected, and applied.

CHAPTER 9.

An Act to facilitate the taking of Evidence and the Registry of Deeds.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Deeds may be registered on declaration made in Great Britain and Ireland and duly attested.
2. Declarations made under Imperial act 5 and 6 W. 4th cap. 62 shall have

SECTION.

- same effect as if authenticated under oath.
3. Acts, deeds, &c., done in Great Britain and Ireland and British possessions and authenticated legally there, to have same effect as if sworn to.

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

Deeds may be registered on declaration made in Great Britain and Ireland and duly attested.

1. Deeds may be registered on declaration, and acknowledgments heretofore made or hereafter to be made in Great Britain and Ireland before the judge of a court of record, or the mayor or recorder of a city or borough, with the date of the declaration or acknowledgment certified and expressed, attested under the seal of a court of record or of a city or borough.

Declarations made under Imperial act 5 and 6 W. 4th cap. 62 shall have same effect as if authenticated under oath.

2. Declarations now or hereafter made in conformity with, and which shall have legal effect and operation in the place where the same may be made, under and by virtue of an act of the imperial parliament, passed in the fifth and sixth years of the reign of his late majesty King William the Fourth, chapter sixty-two, relating to the abolition of oaths in certain cases, and of any act in amendment thereof, shall have the same operation and effect in this province as if authenticated under oath before the same officers before whom the declaration had been made, and if these officers had been authorized to administer such oath.

Acts, deeds, &c. done in Great Britain and Ireland and British possessions and authenticated legally there, to have same effect as if sworn to.

3. Acts, deeds, evidence, acknowledgments, and declarations, now or hereafter done, made, taken, or proved in Great Britain or Ireland, or any of her Majesty's possessions, with those forms of authentication and proof which shall be the legal mode of proof and authentication in those places, shall have the same force and effect in this province as if sworn to before the same persons or officers by and before whom the proof and authentication may be made, and as if those persons or officers had power to administer an oath.

CHAPTER 10.

An Act to continue the Law imposing Light House Duties.

(Passed the 30th day of March, A. D. 1859.)

SECTION—Cap. 22 Rev. Stat. continued.

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

1. Chapter 22 of the Revised Statutes, "Of Light House Duties" is continued until the first day of April in the year one thousand eight hundred and sixty. Cap. 22 Rev. Stat. continued.

CHAPTER 11.

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

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Act 15 Vic. cap. 10 continued.
2. Applicant for licence must secure a

SECTION.

- sum not less than that received for year ending 31st March, 1859.
- 3 Sec. 2 cap 5 acts 1858 repealed.

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

1. The Act 15 Victoria, Chapter 10, entitled, "An Act for regulating Distilleries," is continued until the first day of April, in the year one thousand eight hundred and sixty. Act 15 Vic. cap. 10 continued.

2. No licence for distilling intoxicating liquors shall be issued in the present year until the party or parties applying therefor shall secure to the government a sum not less than the amount of duty received on such licenses during the year ending thirty-first March, 1859. Applicant for licence must secure a sum not less than that received for year ending 31st March, 1859.

3. Section 2 of Chapter 5 of the Acts of 1858 is repealed. Sec 2 cap 5 acts 1853 repealed.

CHAPTER 12.

An Act further to amend Chapter 60 of the Revised Statutes, "Of Public Instruction."

(Passed the 30th day of March. A. D. 1859.)

SECTION.—Trustees—how elected. In case of no meeting old ones to continue.

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

1. The election of school trustees under section four of the chapter hereby amended shall take place annually ; provided always, that in case of no meeting being called as prescribed by this act, the old trustees shall remain in office. Trustees—how elected. In case of no meeting old ones to continue.

CHAPTER 13.

An Act relating to County, District, and Township Lines.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

- 1. In case lines are uncertain or have disappeared Governor in Council may authorize a survey.
- 2. Proceedings before commencing surveys.

SECTION.

- 3. Costs of surveys, how paid.
- 4. Expenses of nominees, how paid.
- 5. Line, how decided

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

In case lines are uncertain or have disappeared Governor in Council may authorize a survey.

1. Whenever it shall be made satisfactorily to appear to the Governor in Council that the lines and bounds of any county, district, or townships, are uncertain and require to be run out, or where the traces of such lines or bounds have disappeared, and it shall be necessary to establish the same anew, it shall be lawful for the Governor in Council to authorize the Commissioner of Crown Lands to appoint a surveyor to perform the said work, and to set up permanent marks and boundaries upon said lines.

Proceedings before commencing surveys.

2. Before such surveyor shall proceed to perform that duty notice shall be given by the Commissioner of Crown Lands or the surveyor to the custos of each county or district, and at any general or special sessions thereafter to be holden, such sessions shall nominate one or more persons to represent the interests of such county, district, or township, in determining the true course of such county, district, or township lines, and the fixing the necessary marks and bounds thereof, who shall make and return a plan thereof.

Costs of surveys, how paid.

3. The cost of such survey shall be paid out of the proceeds of the crown lands.

Expenses of nominees, how paid.

4. The expenses of the nominees for each county, district, and township, shall be a county charge.

Line, how decided.

5. The award of the majority shall decide the line, and in case of no majority the same shall be decided by the Commissioner of Crown Lands.

CHAPTER 14.

An Act concerning Indian Reserves.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Surveys. How made. Nature of.
2. Commissioners—powers, duties of, &c.
3. Commissioners under sanction of Governor and Council may sell or lease land. Such increase of authority to be discretionary.
4. Application of proceeds and rents, &c.
5. Costs of survey, &c., how paid.
6. Separate acct. to be kept by Rec. Gen.
7. Proceeds of sale to bear interest, chargeable on general revenue.

SECTION.

8. Interest, how applied. How drawn.—Amount.
9. Costs of surveys to be paid out of treasury and refunded from proceeds of Indian lands.
10. Entry upon Indian reserves after passing of act to disqualify parties entering from recovering grants of them. Part entering, how removed.
11. Proceedings on removal.
12. Appeal.

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

1. The Governor in Council may authorise surveys, plans, and reports to be made of lands reserved for the benefit of Indians, shewing and distinguishing the improved lands—the forests and lands fit for settlement—the intrusions and their nature and circumstances, and such other information as may be required.

2. The Governor in Council may appoint commissioners for such lands, who shall protect the same for the benefit of the Indians, superintend the survey, leasing, and sale thereof when ordered under the provisions of this act, take charge of the interests of the Indians generally within their respective limits, promote the settlement of the Indians, and prevent trespassing on the reserves.

3. The commissioners, under the direction and subject to the approval of the Governor in Council, may agree with parties who are in possession of and have made improvements upon any portion of said reserves within their respective counties, either to lease or to sell to them the land held and occupied by them, agreeably to limits to be defined by the commissioners, for such rent or consideration money as they may consider reasonable and just, and upon their report, approved by the Governor in Council, the Commissioner of Crown Lands is authorised to execute the necessary conveyances to them, the proceeds of such sale and the rents arising under the leases to be paid and applied as hereinafter provided. The increase of the authority hereby granted shall be discretionary with the commissioners and the Governor in Council according to each particular case, and in such cases of intrusion as are not deemed to justify the selling or leasing of the lands settled upon to the intruders, or in cases when an agreement cannot be entered into with them, it shall be the duty of the commissioners to take prompt measures for the removal of the intruders or occupants, and for applying the lands for the benefit of the Indians.

Surveys.

How made.

Nature of.

Commissioners—powers, duties of, &c.

Commissioners under sanction of Governor and Council may sell or lease land.

Such increase of authority to be discretionary.

Application of proceeds and rents, &c.

4. The proceeds arising from the sale of such lands shall be paid by the purchasers to the Receiver General, and no conveyance shall be executed by the Commissioner of Crown Lands until the receipt of the Receiver General for the purchase money has been lodged with him. The rents and profits arising from leases of the said lands, or otherwise, shall be collected by the local commissioners, who shall semi-annually pay the same over to the Receiver General.

Costs of survey, &c., how paid.

5. The costs of survey and other unavoidable expenses shall be paid by the Receiver General from the proceeds of sale or the rents and profits of such lands, after the accounts thereof shall be approved by the Commissioner of Crown Lands and audited by the Financial Secretary.

Separate acct to be kept by Rec. Gen.

6. The Receiver General shall keep a separate account of all monies received and paid by him on account of the said lands or their sales or rents and profits.

Proceeds of sale to bear interest chargeable on general revenue

7. All monies paid into the hands of the Receiver General for the sale of Indian lands shall bear interest at six per cent., which interest shall be chargeable on the general revenues.

Interest, how applied.

8. The interest annually arising from the sales and the rents and profits aforesaid, deducting expenses, shall be applied to the exclusive benefit of the Indians :

First, for the relief of indigent and infirm Indians.

Second, in promoting their settlement on the reserved lands, and in procuring seed, implements of husbandry, and domestic animals, as the Governor may direct.

How drawn. Amount.

The money shall be drawn from the treasury by warrant in favor of the local commissioners as required ; the amount annually to be drawn shall not exceed the amount of the rents and profits realized from the reserves the preceding year, and the annual interest of the purchase money of the lands sold and paid into the Treasury.

Costs of surveys to be paid out of treasury and refunded from proceeds of Indian lands.

9. To provide for the surveys and the carrying the provisions of this act into effect the Governor in Council may authorise the payment of such sums out of the treasury, which shall be refunded from the proceeds of the Indian lands.

Entry upon Indian reserves after passing of act to disqualify parties entering from recovering grants of them. Party entering, how removed.

10. After the passing of this act any entry made by any person upon any part of the Indian reserves, with a view to acquire the possession or occupation of any lands not now in the possession or occupation of such person, shall disqualify the party so entering from receiving from the crown a grant of the lands so entered upon, and such intruder may, upon complaint of any commissioner or commissioners, be summarily removed from the lands so entered upon by the warrant of any two Justices of the peace of the county where the lands lie.

Proceedings on removal.

11. Such warrant shall not issue till after the party has been summoned in the usual form in cases of ordinary proceedings before justices of the peace, and the justices shall

have power to award costs against the party complained of, and to issue execution therefor.

12. The decision of the Justices shall be subject to appeal Appeal. as in ordinary cases.

CHAPTER 15.

An Act to extend the Provisions of the New Practice Act.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Statement in affidavit to hold to bail—what sufficient.
2. Defendant may negative fact of his be-

SECTION.

- ing about to leave province, and may be discharged.
3. Prothonotaries may grant time to plead.

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

1. It shall be sufficient to state in the affidavit of debt mentioned in the sixth section of the New Practice Act that the deponent has probable cause for believing, and does believe, that the defendant is about to leave the province, and that he fears that the debt will be lost unless such defendant be forthwith arrested, and it shall not be necessary to state in the affidavit the deponent's ground for such belief.

Statement in affidavit to hold to bail—what sufficient.

2. Nothing in the first section contained shall operate to prevent a defendant so arrested from negating, under affidavit before a judge or commissioner, the fact of his being about to leave the province, and upon such affidavit, if the same is not contradicted on the part of the plaintiff, such judge or commissioner shall, in his discretion, order his discharge from custody with costs.

Defendant may negative fact of his being about to leave province, and may be discharged.

3. The prothonotary in any county, upon affidavit that the defendant has a good defence upon the merits, and that time is required to put in pleas, and that the application is not merely for delay, may grant an order for further time to plead, not exceeding ten days, and not to extend beyond the first day of the term or sittings for which notice of trial may have been given.

Prothonotaries may grant time to plead.

CHAPTER 16.

An Act to amend the Act relating to Trusts and Trustees.

(Passed the 30th day of March, A. D. 1859.)

SECTION.—Two judges may exercise powers of supreme court.

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

1. The powers which by the act hereby amended are declared to be vested in the supreme court, may be exercised by any two judges of such court.

Two judges may exercise powers of sup. court.

CHAPTER 17.

An Act to regulate the Tare on Sugar.

(Passed the 30th day of March, A. D. 1859.)

SECTION
1. Tare.

SECTION.
2. Inconsistent parts of cap. 85 Rev. Stat. repealed.

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

Tare.

1. The tare to be allowed on the sale of brown or raw sugar shall hereafter be twelve pounds for every hundred pounds of gross weight upon hogsheads under the weight of eighteen hundred pounds; upon all hogsheads above that weight tare shall be allowed at the rate of ten pounds for every hundred pounds of gross weight.

Inconsistent parts of cap. 85 Rev. Stat. repealed.

2. So much of chapter 85 of the Revised Statutes, "Of the regulation and inspection of provisions, lumber, fuel, and other merchandize," as is inconsistent with this act, is repealed.

CHAPTER 18.

An Act relating to Fees to be taken in the Crown Land Office.

(Passed the 30th day of March, A. D. 1859.)

SECTION.
1. Fees. Exemptions.

SECTION.
2. How appropriated.

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

Fees.

1. The following fees shall hereafter be demanded and taken in the crown land office:

For every search.....	£0	1	6
For copy of any grant.....	0	2	6

For copy of or portion of or an entire general plan of a county, such reasonable sum as the Commissioner may approve of.

For copies of grants or other documents, per folio... 0 0 6

The above fees not to apply to applicants for grants, or for information in connection with such applications.

Exemptions.

How appropriated.

2. All fees taken under this act shall be paid into the office of the Receiver General, and accounted for in the annual account of the Commissioner of Crown Lands.

CHAPTER 19.

An Act to regulate the manner of Conducting Elections in Electoral Divisions.

(Passed the 13th day of April, A. D. 1859.)

SECTION.

1. In Halifax, Colchester, Pictou, Hants, and Kings, courts to be held in each district. In Eastern Halifax, where held. In Eastern Pictou, where held. In Northern Colchester, where held. In Northern Hants, where held. In other divisions of counties, where held.
2. Proceedings where there is an election in both divisions of same county at one time.
3. Shall appoint a clerk, &c.

SECTION.

4. Proceedings when election in one division only.
5. Election in Halifax, Pictou, Hants, Kings, and Colchester, how conducted
6. Powers, liabilities, &c., of deputy and his clerk.
7. Fees of deputy and his clerk.
8. Accommodation for court, how provided.

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

1. At the election of members to serve in general assembly for the electoral divisions of the counties of Halifax, Pictou, Colchester, Hants, and Kings, the court for the nomination of candidates shall be held in each electoral division which may be required to return members, and at the places following, that is to say :

In the eastern electoral division of the county of Halifax at or near Kaulback's, in the Middle Musquodoboit, in electoral district number twenty-one.

In Halifax, Colchester, Pictou, Hants, and Kings, courts to be held in each district.

In the eastern electoral division of the county of Pictou at the town of New Glasgow.

In Eastern Halifax, where held.

In Eastern Pictou, where held.

In the northern electoral division of the county of Colchester, at or near the public parade ground in Onslow, in polling district number six.

In Northern Colchester, where held.

In the northern electoral division of the county of Kings at the town house, Centreville, Cornwallis.

In Northern Kings, where held.

In the northern electoral division of the county of Hants at or near John T. Campbell's, in Maitland, district number nine.

In Northern Hants, where held.

In the other electoral divisions of the above five counties, the court for the nomination of candidates shall be held at the county court house, as heretofore.

In other divisions of counties, where held.

2. When there shall be an election in both divisions of the same county at the same time, the court for the nomination of candidates in one of such divisions shall be opened and held by a deputy to be appointed by the sheriff, and who shall be notified in writing by the sheriff of the day to which the court shall be adjourned, and the court for the nomination of candidates held before such deputy shall be adjourned by him to meet at the day so to be appointed by the sheriff at the county court house, at which day the adjourned court for declaring the members elect for both divisions shall be held at the county court house.

Proceedings where there is an election in both divisions of same county at one time.

Shall appoint a clerk, &c.

3. The deputy of the sheriff shall appoint a clerk as the sheriff is required to do, and shall keep a faithful record of the proceedings before him at the court held by him for the nomination of candidates, which record, signed by him and his clerk, he shall, at the close of court, seal up and direct to the sheriff, and shall, within thirty-six hours thereafter, cause to be delivered to the sheriff, under a penalty, in case of failure, of fifty pounds. The sheriff, at the adjourned court for declaring the members elect, shall read aloud such record, and shall declare to be duly elected any candidate who thereby shall appear to have been elected without opposition, in conformity with the law, at the court for nomination held by the deputy sheriff.

Proceedings when election in one division only.

4. When the election shall be for one electoral division only, the sheriff shall conduct the election in that division as in ordinary cases, and in such case when a poll shall be required, he shall hold his adjourned court at the place appointed for holding the court for the nomination of candidates in the same district.

Election in Halifax, Pictou, Hants, Kings, and Colchester, how conducted.

5. The sheriff shall, in all respects, conduct the elections in the counties of Halifax, Pictou, Colchester, Hants, and Kings, and receive the returns of the officers presiding at the polling districts, and make the return of members elect, in the same manner as in other counties, except as regards holding courts for nomination of candidates by deputy in one of the electoral divisions when there shall be elections in both divisions at the same time.

Powers, liabilities, &c., of deputy and his clerk.

6. The deputy of the sheriff and his clerk shall take the oath, observe the requirements, exercise the powers, and be subject to the liabilities which, by law, are or may be imposed and conferred on the sheriff and his clerk, so far as relates to the holding and conducting of the court for the nomination of candidates, and as shall be necessary or proper for carrying this act into effect.

Fees of deputy and his clerk.

7. The deputy of the sheriff shall receive for his services the sum of twenty shillings, and his clerk the sum of ten shillings, to be paid by the candidates of the division.

Accommodation for court, how provided.

8. The sheriff shall provide suitable accommodation for the holding of the court for the nomination of candidates by his deputy, and the expense thereof — not to exceed twenty shillings — shall be paid to him by the candidates for the division.

CHAPTER 20.

An Act to alter and establish the bounds of Electoral Districts in certain Counties in this Province.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. County of Halifax—district No. 32.—Polling place.
2. Polling place in district 27.
3. Addition to No. 18. Nos. 31 and 33. Definition of No. 31. Polling place. Definition of No. 33. Polling place.
4. Ward No. 5, city of Halifax, divided into 2 districts. Boundaries of No. 1, ward 5. Polling place.
5. Boundaries of No. 2, ward 5. Polling place.
6. Colchester. Polling place of No. 6.
7. Hants. No. 5 divided. No. 5 defined. Polling place. No. 12 defined. Polling place.
8. Kings. Polling place No. 12.
9. Yarmouth. No. 4 divided. No. 10 defined. Polling place. No. 4 defined.

SECTION.

10. Lunenburg. Polling place No. 7.
11. Shelburne. No. 1 defined.
12. Addition to No. 1.
13. Annapolis. No. 15 defined. Polling place.
14. Cumberland. No. 2 defined. Polling place.
15. Boundaries of Nos. 4 and 9.
16. No. 1 enlarged. Polling place.
17. Inverness. New district. Polling place.
18. Victoria. No. 9 defined. Polling place.
19. Addition to No. 8.
20. Richmond. Nos. 1 and 3 divided.
21. No's. 1 and 3 defined. No. 11 defined.
22. Polling place No. 1. Polling place No. 11. Polling place No. 3.
23. No. 13 defined. Polling place.
24. No 12 defined. Polling place.

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

COUNTY OF HALIFAX.

1. The district comprised within the following limits shall form a separate electoral district in the western electoral division of the county of Halifax, that is to say : extending from the western side of the North East river to the Lunenburg county line at Hubbard's cove ; and the polling place shall be at some convenient place at or near Alexander Hubley's, at Black Point, to be called electoral district number thirty-two.

County of Halifax—district No. 32.

Polling place.

2. The polling place in electoral district number twenty-seven in the eastern electoral division of the county of Halifax shall hereafter be at some convenient place at or near Mitchell's mills at the head of Jeddore instead of at or near the saw mills, Musquodoboit harbor, as at present.

Polling place in district 27.

3. So much of electoral district number seventeen in the eastern electoral division of the county of Halifax as lies within the following limits shall be added to and form a part of electoral district number eighteen, in such electoral division, that is to say : Beginning at the canal lock at Fletcher's bridge, thence running westward on the old Truro road to the Three-mile lake, thence down the brook to Gaspereaux lake, crossing the road at the bridge leading from Scott's to Bedford, thence following down the brook to Lake William,

Addition to No. 18.

up Lakes William and Thomas and the canal to the place of beginning.

No's 31 and 33.

Electoral district number thirty-one in the eastern electoral division of the county of Halifax shall be divided into two electoral districts, to be called district number thirty-one and district number thirty-three.

Definition of No 31.

District number thirty-one shall include all that portion of the present district number thirty-one not included within the limits of district number thirty-three hereinafter described ;

Polling place.

and the polling place shall be at or near the engine house, Dartmouth, as at present.

Definition of No 33.

District number thirty-three shall be included within the following limits, that is to say : Beginning on the eastern shore of the south east passage, upon the north line of the Campbell property occupied by Peters' brickyard ; thence to run eastwardly to a point four rods south of the residence of Charles Bissett, senior, at Coal harbor ; thence on the same course to the west shore of Coal harbor ; thence following the courses of the shore round to the place of beginning, and to include McNab's island, Lawlor's island, Devil's island, Cow bay, and Green bay ; and the polling place shall be at some convenient place at or near Joseph York's corner.

Polling place.

Ward No 5, city of Halifax, divided into two districts.

4. Ward number five, in the city of Halifax, shall be divided into two electoral sections, to be designated electoral section number one of ward number five, and electoral section number two of ward number five, and to be bounded as follows : Electoral section number one to commence on the harbor of Halifax, at the foot of Jacobs' hill ; thence running westwardly on the north side until it meets Brunswick street ; thence northwardly until it meets the street leading to the common ; thence westwardly on the north side to the common ; thence northwardly until it meets Cornwallis street ; thence easterly on the south side until it meets Water street ; thence southerly by the harbor to the place of beginning, and the polling place shall be at temperance hall.

Boundaries of No 1, ward 5.

Polling place.

Boundaries of No 2, ward 5.

5. Electoral section number two to commence on the harbor of Halifax, at the foot of Cornwallis street ; thence northerly to the foot of Gerrish street ; thence westerly to Gottingen street ; thence northerly on the west side of Gottingen street until it meets North street ; thence westwardly on the south side of the road until it meets the North West Arm ; thence southerly until it meets Quiapool road ; thence eastwardly to the common ; thence northwardly to the north west end of the common ; thence eastwardly to the north east corner of the common ; thence southerly until it meets Cornwallis street ; thence eastwardly on the north side to the place of beginning ; and the polling place shall be at the barn of William Johns, on the west side of Maynard street.

Polling place.

COUNTY OF COLCHESTER.

Colchester.

6. The polling place in electoral district number six in the northern division of the county of Colchester, shall hereafter be at or near the public parade ground in Onslow, near W. Cutting's shop, instead of at or near Ebenezer F. Munro's, as at present.

Polling place of No 6.

COUNTY OF HANTS.

Hants.

7. Electoral district number five in the southern electoral division of the county of Hants, shall hereafter be divided into two electoral districts, to be called electoral districts number five and number twelve. Number five shall embrace all that portion of the township of Falmouth which lies to the northward of the old main post road; and the polling place shall be at some convenient place at or near Peter Shaw's, at Akin's corner; and

No 5 divided.

No 5 defined.

Polling place.

Number twelve shall include the remaining portion of the township of Falmouth, from King's county line to Hants county line on the Chester road to Samuel Palmer's on the Windsor road; and the polling place shall be at some convenient place at or near William Palmer's.

No 12 defined.

Polling place.

COUNTY OF KINGS.

Kings.

8. The polling place for electoral district number twelve in the northern division of King's county shall hereafter be at some convenient place at or near William H. Patterson's, esquire, instead of near the episcopal church as provided in the bill passed during the present session, entitled, "An act for the better equalizing the elective franchise in certain counties."

Polling place No 12.

COUNTY OF YARMOUTH.

Yarmouth.

9. Electoral district number four in the county of Yarmouth shall be divided into two electoral districts, to be named numbers four and ten, and to be comprised within the following limits, that is to say:

No 4 divided.

Number ten will commence where the line of the township of Yarmouth strikes Tusket river above the bridge; thence by such township line westerly to Salmon river; thence by Salmon river upwards to Mood's bridge; thence to James King's north line; thence to Sloan's lake and northern part of Hoop-pole hill; thence to the little Wilson lake; thence to Bill's creek lake; thence to third lake on the east branch of Tusket river; then following the east branch and main river to the place of beginning; and the polling place shall be at some convenient place at or near Edmond Reynard's mill; and

No 10 defined.

Polling place.

Number four shall comprise all the remaining portion of the former electoral district number four.

No 4 defined.

Lunenburg.

COUNTY OF LUNENBURG.

Polling place
No 7.

10. The poll in electoral district number seven in the county of Lunenburg shall hereafter be taken at some convenient place at or near Christopher Boyle's, at the cross roads, instead of at the place heretofore used for that purpose.

Shelburne.

COUNTY OF SHELBURNE.

No 1 defined.

11. Electoral district number one in the county of Shelburne, shall extend to the point Carleton road, south of Gunning cove; and electoral district number two shall extend to the same point, and section one of chapter 64 of the acts of 1854, entitled, "An act to alter certain electoral districts in the county of Shelburne," is repealed.

Addition to No
1.

12. McNutt's island shall be added to and form portion of electoral district number one.

Annapolis.

COUNTY OF ANNAPOLIS.

No 15 defined.

13. An additional electoral district is established in the county of Annapolis, to be called district number fifteen included within the following limits, viz.: Bounded on the east by lands of James H. Thorne, on the west by the east line of William Dargie, on the south by crown lands, six miles to the southward of the Dalhousie road, and on the north by the base line of the township of Annapolis; and the polling place shall be at the intersection of the Dalhousie and Morse roads.

Polling place.

Cumberland.

COUNTY OF CUMBERLAND.

No 2 defined.

14. Westchester shall form a separate electoral district in the county of Cumberland, to be called number two, and to be in place of the present district number two, which is abolished, the boundaries of such new district to be as follows: Commencing on the Colchester line, at the south corner of the Wentworth district, on the south west side of Wallace river; thence north to Rufus Purdy's west line; thence to John Mier's line, at the point where it crosses the Westchester road; thence to the west branch of Wallace river, between Doyle's and Burbidge's mill; thence up the north side of such river to where it branches; thence along the high lands westerly to the north Burnt-land brook; thence to the south line of district number four; thence following such line to the east branch of such river; thence up stream to the west line of William Jackson's land, and thence southerly to the county line; and the polling place shall be at or near John Atkinson's.

Polling place.
Boundaries of
Nos 4 and 9.

15. Electoral districts numbers four and nine in the county of Cumberland, shall hereafter be bounded by lines and limits of number two, as described in the preceding section.

No 1 enlarged.

16. The present electoral district number one in the county of Cumberland, shall be enlarged and include electoral district number two, as heretofore existing in such county, and

all voters within such enlarged district shall poll at the court house in Amherst. Polling place.

COUNTY OF INVERNESS.

Inverness.

17. The district comprised within the following limits shall be a separate electoral district in the county of Inverness, that is to say: Commencing at the residence of Richard Pembroke, on the new line of road leading from Cheticamp to the big interval of Margaree; thence following on both sides of the north east branch of Margaree river, including the back settlers, as also Silver Springs and the Big brook, until it terminates on the south side of Margaree river at Nicholas Humphrey's, including him and his family; and on the north side of such river at Thomas Ethridge's, including him and his family; and the polling place shall be at some convenient place on the south side of the upper bridge on the north east branch of Margaree river. New district.
Polling place.

COUNTY OF VICTORIA.

Victoria.

18. There shall be a polling district called number nine at Bay Saint Lawrence, to extend to and include John Gillies; and the polling place shall be at or near Zwicker's, on Bay of St. Lawrence. No 9 defined.
Polling place.

19. St. Paul's Island shall be added to polling district number eight in the county of Victoria. Addition to
No. 8.

COUNTY OF RICHMOND.

Richmond.

20. The present electoral districts numbers one and three in the township of Arichat, in the county of Richmond, shall be divided, and three electoral districts formed therefrom by a line running as follows, that is to say: Beginning on the north shore of the harbor of Arichat, at Babin's cove, at the eastern side line of lands formerly owned by Charles Vigneau, now occupied by Felix LeVache; thence northerly along such eastern line to the rear thereof; thence northerly to the eastern side line of Charles King's land, on the south side of Grand lake; thence northerly across such lake to Deep Brook, so called, east of lands occupied by Boniface King, on the shore of Lennox passage; thence running westerly up the centre of Lennox passage, to Thomas Head; thence westerly, southerly, and easterly to the place of beginning, on the harbor of Arichat, including Jauvrin's or Madame island, Jerseyman's island, and all other islands south and west of the Lennox passage, and including the settlement of Grand Rousseau, Little Arichat, and all other settlements within the preceding limits. Nos 1 and 3 divided.

21. All that part of the former electoral districts numbers one and three which lies to the eastward of such division line shall be districts numbers one and three, and all that part of such districts which lies to the westward of such division line shall be district number eleven. Nos 1 and 3 defined.
No 11 defined.

Polling place
No 1.

Polling place
No 11.

Polling place
No 3

No 13 defined.

Polling place.

No 12 defined.

Polling place.

22. The polling place of district number one shall be at the county court house as hertofore, and the polling place of district number eleven shall be at or near the new school house in Little Arichat, north of Little Arichat bridge. The polling place of district number three shall be at the same place as hertofore.

23. The district comprised within the following limits shall be an additional polling district in the county of Richmond, that is to say: Beginning on the eastern shore at the head of Caplin Cove, thence along shore easterly to the county line at Forchu; thence northerly by the amended county line till it meets a point where the northern side line of William McLeod's land extended shall intersect the county line; thence southerly in a direct line, including Malcolm Ferguson's brook, where it crosses the Saint Esprit road; thence to the west side of John McKenzie's land, including the same; thence in a direct line to the place of beginning; the said district to be called number thirteen; and the polling place shall be at or near the school house on the Flamboise road to Saint Esprit.

24. The district comprised within the following limits shall be an additional polling district for Loch Lomond settlement and its vicinity, to include parts of districts numbers eight and nine, that is to say: Beginning at Patrick's mountain, on the western side line of Donald Morrison's land, and including the same; thence to run a due course cast-north-east to the county line; thence following the county line southeasterly until it meets a point where the northern side of William McLeod's land extended shall intersect said county line; thence southerly in a direct line to Malcolm Ferguson's brook, where it crosses the Saint Esprit road; thence northerly in a direct line to the western side line of Donald Morrison's, at the head of the Grand river; thence to the place of beginning at Patrick's mountain; said district to be called number twelve; and the polling place shall be at or near Kenneth Morrison's, on the south side of Loch Lemond.

CHAPTER 21.

An Act to alter certain Electoral Districts in the County of Cape Breton.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

SECTION.

- 1. No. 1 divided. No. 1 defined. Polling place.
- 2. No. 11 defined. Polling place.
- 3. No. 3 divided. No. 3 defined. Polling place.
- 4. No. 12 defined. Polling place.

- 5. No. 8 divided. No. 8 defined. Polling place.
- 6. No. 13 defined. Polling place.
- 7. No. 9 divided. No. 9 defined. Polling place.
- 8. No. 14 defined. Polling place.

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

1. Electoral district number one, in the county of Cape Breton, shall be divided into two electoral districts, to be called electoral district number one, and electoral district number eleven, to be bounded as follows, that is to say: Electoral district number one shall include all that part of the present district not embraced in the bounds of electoral district number eleven as hereinafter described; and the polling place shall be at the place now by law established for electoral district number one.

No 1 divided.

No 1 defined.

Polling place.

2. Electoral district number eleven shall include all that part of the present district number one situate to the eastward of a line running from McPhee's ferry along the Kilkenny lake road, until it meets the Lingan road; thence by a straight line southeastwardly until it strikes Michael Tracey's house, on the Cow Bay road; thence running northeastwardly to the extreme northwardly point of Schooner Pond; thence following the windings of the sea shore to the mouth of Spanish river; thence up such river until it meets McPhee's ferry. And the polling place of the district above described shall be at some convenient place at or near the Lingan mines.

No 11 defined.

Polling place.

3. Electoral district number three, in the County of Cape Breton, shall be divided into two electoral districts, to be called electoral district number three, and electoral district number twelve, to be bounded as follows, that is to say: Electoral district number three shall comprise all that part of the present district number three not included in the limits of electoral district number twelve, as hereinafter described; and the polling place shall be at the place now by law established for electoral district number three.

No 3 divided.

No 3 defined.

Polling place.

4. Electoral district number twelve shall include all that portion of the present district number three bounded as follows, that is to say: Commencing at Edward Dillon's house, near Round island; thence in a northerly direction until it strikes Michael Tracey's house, on the Cow Bay road; thence running northeasterly to the extreme northern point of

No 12 defined.

- Schooner Pond ; thence following the windings of the sea shore southerly to the place of commencement. And the polling place shall be at some convenient place at or near William Whalen's at Cow Bay.
- No 8 divided. 5. Electoral district number eight, in the County of Cape Breton, shall be divided into two electoral districts to be called electoral district number eight, and electoral district number thirteen, to be bounded as follows, that is to say : Electoral district number eight shall comprise all that part of the present district number eight not included in the limits of electoral district number thirteen, as hereinafter described. And the polling place shall be at the polling place now by law established for electoral district number eight.
- No 8 defined.
- No 13 defined. 6. Electoral district number thirteen shall include all that portion of the former district number eight bounded as follows, that is to say : Commencing at Rory Brack's brook ; thence running south thirteen degrees east until it strikes the northern boundary of district number seven ; thence westerly by such northern boundary until it strikes the line dividing the counties of Richmond and Cape Breton, at Grand River lakes ; thence northwesterly by such county line to the southern shore of the Bras d'Or lake ; thence easterly by that shore to the place of beginning. And the polling place shall be at some convenient place at or near Hugh McLellan's way office at Big Pond.
- Polling place.
- No 9 divided. 7. Electoral district number nine, in the County of Cape Breton, shall be divided into two electoral districts, to be called electoral district number nine, and electoral district number fourteen, to be bounded as follows, that is to say : Electoral district number nine shall comprise all that part of the present district number nine not included in the limits of electoral district number fourteen, as hereinafter described. And the polling place shall be at the place now by law established for electoral district number nine.
- No 9 defined.
- No 14 defined. 8. Electoral district number fourteen shall include all that portion of the present district number nine bounded as follows, that is to say : Commencing at the mouth of Eskasoni brook ; thence by the course of such brook up stream three miles ; thence by a right line until it strikes Alexander McNeil's house, on the shore of Little Bras d'Or, at or near Sunacadic harbor ; thence by said shore westerly to the straits of Barra, and to continue along the shore of the Bras d'Or lake southwardly, eastwardly, and northwardly, to the place of beginning. And the polling place shall be at some convenient place at or near Rory McSweeney's, at Beaver Cove.
- Polling place.

CHAPTER 22.

An Act concerning Trespasses to Crown Property.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. No person to cut wood, open mines, &c, without licence. Penalty.— Prosecution how conducted, &c.
2. Sheriff's, Chief Surveyors, &c., empowered to protect crown property.
3. Their duties, powers, &c.
4. Proceedings after seizure.
5. Proceedings when parties concerned in trespass are known. Proceedings when parties are not known.
6. Sentence of condemnation—form of—proceedings thereunder.

SECTION.

7. Disposal of proceeds in case of sale.— When property does not realize enough to cover expenses.
8. Appeal—proceedings under, &c.
9. Penalty for obstructing officers removing property, &c.
10. Privileges of persons implicated for seizure under this act as regards pleading, costs, damages, &c., &c.
11. Actions, where brought.

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

1. No person shall cut down or remove any trees or wood of any description on any crown lands, or open any mine, or dig or raise any minerals belonging to the crown, or remove, use, injure, or destroy any trees, wood, lumber, or minerals, being crown property, without license from the Governor or other legal authority, under the penalty of not less than two pounds, or more than twenty pounds for each offence, in addition to the value of any such trees, lumber, wood, or minerals, which shall have been cut down, raised, or removed, and in addition to any damages committed on the land of the crown—the amount of which value and damages shall be found by the jury. The prosecution may be in the name of the Queen, and on conviction the court shall determine the amount of penalty, and judgment shall pass for such penalty, and also for the value and damages aforesaid, and costs of suit.

No person to cut wood, open mines, &c., without licence.

Penalty.

Prosecution how conducted, &c.

2. The sheriff and the chief surveyor of each county, and such other person as the Governor in Council may see fit to appoint, are severally empowered and required vigilantly to protect the lands, timber, and minerals, belonging to the crown in their respective counties, and to prevent encroachments and trespasses on the lands and mines of the crown, and the unlawful removal of trees, timber, lumber, and minerals of the crown.

Sheriffs, chief surveyors, &c., empowered to protect crown property.

3. It shall be their duty, respectively, to seize trees and wood illegally cut, and the lumber made thereout and minerals illegally raised on the lands of the crown in their respective counties wherever the same may be found, and also to follow and seize the same in any other county to which they may have been removed, and also to seize in their respective counties, trees, timber, logs, and lumber of the crown illegally

Their duties, powers, &c.

cut or made, and minerals of the crown illegally raised in any other county, and removed into their said counties, and they shall have power to use all suitable and necessary means for guarding the same until condemnation, and to authorise persons to act in assistance of and under them.

Proceedings after seizure.

4. Immediately after seizure, the seizing officer shall report the facts to the Commissioner of Crown Lands, and shall obey his instructions as to further proceedings.

Proceedings when parties concerned in trespass are known.

5. If any one or more of the parties concerned in cutting or raising, or in removing or having in possession the property seized, shall be known, a justice of the peace, either of the county where the property seized was cut or raised, or where it was seized, shall, on the applications of any of the said officers or persons acting by authority of the Commissioner of Crown Lands, issue a notice in the form in schedule A against any one or more of the parties so known, and service on any one or more of them, personally, or by leaving a copy of the notice at his or their last place of abode, shall be sufficient to bring on a trial, and for the condemnation of the property. If the parties be not known, a copy of the notice shall be posted on the court house door, or in some other public place at least ten days before trial. Should no claim be made at the time and place mentioned in the notice, the property shall be thereupon forfeited, and in case of claim, two justices shall then and there, or at some other adjourned time and place hear evidence and adjudicate, and either condemn the property, or order it to be released with costs.

Proceedings when parties are not known.

Sentence of condemnation—form of—proceedings thereunder.

6. The sentence of condemnation may be in the form in schedule B, and a copy thereof certified by one of the justices, shall be delivered to the officer or person who seized the property, who shall report the facts to the Commissioner of Crown Lands, and shall sell or otherwise dispose of the property as he may direct.

Disposal of proceeds in case of sale.

7. In case of sale the gross proceeds shall be forthwith remitted to the Commissioner of Crown Lands, who shall pay the same to the Receiver General, who, after the charges shall have been approved by the Financial Secretary, shall pay the necessary expenses for guarding and preserving the property, the usual costs to the justices and witnesses, and other necessary expenses, and shall then pay one half the nett proceeds to the officer or persons aforesaid, who seized and prosecuted to condemnation the said property. When from any cause the property seized shall not realize an adequate remuneration, the Commissioner of Crown Lands may, with the approval of the Governor in Council, make such adequate compensation to the seizing officers and persons employed by them, and the witnesses as under the circumstances may be proper.

When property does not realize enough to cover expenses.

Appeal—proceedings under, &c.

8. An appeal may be had from the judgment of the justices to the supreme court. If the claimant be the appellant he shall make the affidavit and give the security, as required

in cases of appeal. The appeal shall not stay the sale, and if determined in favor of the claimant, he shall be entitled to the property if not sold, or to the gross proceeds if sold, and his costs to be paid by the Commissioner of Crown Lands, and charged in his account.

9. Any person who shall assault or obstruct any officer in the execution of his duty under this act, or any person in his aid, or who shall wilfully remove, cut, injure, convert, or set loose anything seized as aforesaid, shall pay a fine to the Queen, not exceeding one hundred pounds, nor less than two pounds, at the discretion of the court where prosecuted, and if not paid after conviction, such person shall be imprisoned in the county jail for a period not exceeding one year, nor less than ten days, at the like discretion.

Penalty for obstructing officers removing property, &c.

10. Any person impleaded for seizure or prosecution under this act may plead this act, and give the special matters in evidence. And if the judge shall certify probable cause of seizure or prosecution, the claimant shall not recover any costs, nor shall the person who made the seizure be liable to any indictment or suit on account thereof; and if any suit or prosecution be brought against any person on account of such seizure, and judgment shall be given against him, and the judge or court shall certify that there was probable cause for the seizure, then the plaintiff, besides the thing seized, or its value if sold as aforesaid, shall not recover more than two-pence damages nor any costs of suit, nor shall the defendant be fined more than one shilling. But a party whose property may have been seized may, notwithstanding such certificate of probable cause, take possession of such property, if the same shall not have been sold or disposed of—or if sold or disposed of, may recover the actual value thereof from the seizing officers, if the same shall not be paid within one month after demand on him, in writing, setting forth the particulars and amount of such claim.

Privileges of persons impleaded for seizure under this act as regards pleading, costs, damages, &c., &c.

11. All actions and suits brought for a violation of the provisions of this act shall be brought in the county where the offence was committed.

Actions, where brought.

SCHEDULE A.

Whereas a quantity of (describe the articles) have been seized as Crown property, illegally obtained.

These are to give notice that two justices of the peace will attend on the _____ day of _____ at _____ o'clock in the _____ noon at _____ to hear cause why the same should not be declared to be the property of the Crown.

Given under my hand and seal at _____ this _____ day of _____ A. D. 18 _____

A. B., J. P.

SCHEDULE B.

Be it remembered that (describe the property) having been seized as Crown property illegally obtained, and prosecuted under the provisions of the act for protection of Crown property, the same are hereby adjudged and declared to be the property of the Crown, pursuant to the said act.

Given under our hands and seals at this day of A. D. 18

A. B. (Seal.)
C. D. (Seal.)

CHAPTER 23.

An Act to amend Chapter 68 of the Revised Statutes, "Of Supervisors of Public Grounds."

(Passed the 15th day of April, A. D. 1859.)

SECTION.—When road been open 20 years supervisors may proceed as in case of widening roads. Sec's. 13, 14, 15, and 16 shall apply to such case.

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

1. Where any road in a township has been open for the use of the public for twenty years, and any doubt or dispute has arisen as to the true line or width of such road, and the Supervisors of Public Grounds in such township shall deem it proper to determine such true line or width, they shall be at liberty to proceed as in the case of widening roads under the chapter hereby amended ; and sections 13, 14, 15, and 16, of such chapter shall apply to such case in the same manner and to the same extent as if it had been originally contemplated in and by such chapter.

When road been open 20 years supervisors may proceed as in case of widening roads.

Sec's. 13, 14, 15, and 16 shall apply to such case.

CHAPTER 24.

An Act to establish the Decimal system of Accounting.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. When to go into operation.
2. All accounts to Prov. Government to be rendered in dollars and cents.— May have column containing £ s. D.

SECTION.

3. Value of current coin in dollars and cents.
4. Coins enumerated in cap. 83 rev. stat. not affected.

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

1. This Act shall come into operation on the first day of January, 1860.

2. All accounts to be rendered to the Provincial Government, or to any public officer or department, by any officer or functionary, or by any party receiving aid from this province or otherwise accountable to the government or legislature thereof, shall be so rendered in dollars and cents ; but any such ac-

When to go into operation.

All accounts to Prov. Government to be rendered in dollars and cents.

counts may have a second column containing sums in pounds, shillings, and pence, equivalent to the sums so stated in dollars and cents, if the accountant shall prefer to render his account in that form.

May have column containing £ s. d.

3. The several coins hereinafter mentioned, shall be received and paid at the provincial treasury and other departments as equivalent for the following sums in money of account, namely :

Value of current coin in dollars and cents.

The gold sovereign of the United Kingdom, at five dollars.

Silver crown of the United Kingdom, at one dollar twenty-five cents.

Silver half crown of the United Kingdom, at sixty-two and a half cents.

Silver florin of the United Kingdom, at fifty cents.

Silver shilling of the United Kingdom, at twenty-five cents.

Silver sixpence of the United Kingdom, at twelve and a half cents.

Copper penny of the United Kingdom, and that issued from the treasury of the province—two cents.

Half-penny—one cent.

4. Nothing herein contained shall affect the coins enumerated in chapter 83 of the Revised Statutes ; but such coins shall continue to be received as legal tender at the rates in such chapter specified.

Coins enumerated in cap. 83 rev. stat. not affected.

CHAPTER 25.

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

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Cap. 60 rev. stat. as amended continued.

SECTION.

2. Graduates of colleges exempt from examination regarding scholarship.

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

1. Chapter 60 of the Revised Statutes, "Of Public Instruction," as amended by chapter 25 of the acts of 1854, and by chapter 33 of the acts of 1855, and by chapter 22 of the acts of 1857, and by chapter 41 of the acts of 1858, and by this act ; and also the act 13th Victoria, chapter 36, entitled, "An Act relating to the Pictou Academy," are hereby respectively continued in force until the first day of May in the year 1860.

Cap. 60 rev. stat. as amended continued.

2. All applicants for licenses as school teachers who have obtained a degree in any college in this province authorized to confer such a degree, shall be exempt from the examination as regards scholarship prescribed by section 7 of chapter 60 of the Revised Statutes, and shall be entitled to receive a license to teach without undergoing any such examination, upon producing their diploma.

Graduates of colleges exempt from examination regarding scholarship.

CHAPTER 26.

An Act in addition to Chapter 21 of the Revised Statutes,
“Of Light House Duties.”

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Vessels which are to pay an additional toll of 1-16th of a penny per ton on each voyage.

SECTION.

2. Exempt if toll paid at port of clearance.
3. Toll—how collected and applied.
4. Meaning of ‘voyage.’

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

Vessels which are to pay an additional toll of 1-16th of a penny per ton on each voyage.

1. All ships, whether sailing ships or steam ships, navigating from any port or ports in this province to any port or ports in the United Kingdom,—

All ships, whether sailing ships or steam ships, navigating from any port or ports in the United Kingdom to any port or ports in this province,—

All ships, whether sailing ships or steamships, bound from any port or ports in this province upon any trans-atlantic voyage,—and all ships, whether sailing ships or steamships, arriving at any port or ports in this province after any transatlantic voyage,—shall pay to the collectors of colonial revenue, or other persons appointed in that behalf by the Governor in Council, in addition to the light house duties now payable, a toll of one-sixteenth part of one penny sterling per ton of the burthen of every such ship for every such voyage; to be applied towards defraying the expense of maintaining the light house now erected on Cape Race, in the island of Newfoundland.

Exempt if toll paid at port of clearance.

2. Such toll shall not be collected from the master or owner of any ship arriving at any port in this province from any of the voyages above mentioned, if such master or owner shall produce a receipt for the toll for such voyage, signed by any officer appointed to receive such toll in the port of clearance or other port in the United Kingdom or British Possessions.

Toll—how collected and applied.

3. Such toll shall be collected in manner prescribed for light house duties by Chapter 21 of the Revised Statutes, and when paid into the treasury as therein prescribed, shall be transmitted under the authority of the Governor in Council to the Board of Trade, to be applied for the purpose mentioned in the first section.

Meaning of ‘voyage.’

4. A voyage under this act shall be construed to mean a single trans-atlantic passage.

CHAPTER 27.

An Act to continue the Act to authorize a Provincial Loan.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Cap. 3 acts 1858 continued.

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

1. Chapter 3 of the acts of 1858, entitled, An Act to authorize a Provincial Loan, is continued for one year, and from thence to the end of the then next session of the general assembly.

Cap. 3 acts 1858 continued.

CHAPTER 28.

An Act to amend Chapter Eleven of the Acts of 1858.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Interest on railroad expenditure due by city of Halifax how assessed, levied, and collected.

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

1. The proportion of interest due by the city of Halifax on railroad expenditures to the thirty-first day of December, 1857, shall be divided into three equal portions, as directed by chapter eleven of the acts of 1858, entitled, An Act to carry out the provisions of an Act to authorize a loan for the construction of Railways within this province so far as relates to the city of Halifax, and shall be distributed over the years 1859, 1860, and 1861, instead of the years 1858, 1859, and 1860, and be assessed, levied, and paid in manner as directed by such act in respect to the instalments and proportions of interest therein provided for, and nothing herein contained shall exempt the city of Halifax from being assessed for and paying its proportion of interest on the actual expenditures on the railways for 1858, 1859, and 1860, agreeably to the third section of the said act.

Interest on railroad expenditure due by city of Halifax, how assessed, levied, and collected.

CHAPTER 29.

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

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Appeal.

SECTION.

2. Rate to be collected and paid over within three months.

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

Appeal.

1. In cases of disputed settlement an appeal shall lie from the decision of the sessions to the next term of the supreme court in the county wherein such dispute shall have arisen or may arise.

Rate to be collected and paid over within three months.

2. Collectors are required to collect the whole rate as far as may be practicable, and to pay over the same within three months from the time at which they shall receive the rate list.

CHAPTER 30.

An Act to amend the Act to regulate Licenses for the sale of Intoxicating Liquors.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- 1. No coroner to hold tavern or general licence.
- 2. Penalty for selling to Indians.

SECTION.

- 3. Private prosecution except under certificate of clerk of peace prohibited.

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

No coroner to hold tavern or general licence. Penalty for selling to Indians.

- 1. No coroner shall hold a tavern or general license.
- 2. If any person holding a license shall sell intoxicating liquors to an Indian, he shall, on proof thereof before a justice of the peace, forfeit his license.

Private prosecution except under certificate of clerk of peace prohibited.

3. No proceedings at the instance of a private individual for a breach of the provisions of the act hereby amended shall be entertained by any justice of the peace, until a certificate signed by the clerk of licenses for the county or district, in the form set forth in the schedule to this act, be first filed with the justice applied to for such proceedings.

A. B. (intending prosecutor.)

vs.

C. D. For breach of license law.

I hereby certify that I do not intend to prosecute.

E. F.

Clerk of license for County (or District) of

CHAPTER 31.

An Act to amend the Law relating to Road Damages.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- 1. County to bear half damages awarded.

SECTION.

- 2. Inconsistent parts of amended chapter repealed.

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

County to bear half damages awarded.

1. Hereafter whenever damages are awarded under chapter 61 of the Revised Statutes, "Of laying out certain Grea

Roads," and of the acts in amendment thereof, one half of the amount of such damages shall be borne by the county within the limits of which such damages have been incurred.

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

Inconsistent parts of amended chapter repealed.

CHAPTER 32.

An Act concerning Sheriffs.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Sheriffs, how appointed.
2. Bonds, how given, &c. Proceedings in case sheriff does not send approved bond, or refuses to act.
3. When bond approved of, sheriff to be commissioned and old sheriff discharged.
4. Sureties—their liability may be relieved—proceedings if sheriff fail to substitute others.
5. Sheriff may be re-appointed. Proviso.
6. In case of death, absence, &c.

SECTION.

7. Penalty for refusing office, &c., without satisfactory reasons.
8. Form of oath to be taken before entering upon duty.
9. Penalty for not rendering account of forfeiture, &c.
10. May be sued on bond. Costs. Proviso.
11. In action for escape jury not bound to find for whole amount of debt.
12. Writs, how returned.
13. Limitation of actions.
14. Cap. 20 rev. stat. repealed.

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

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

Sheriffs, how appointed.

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

Bonds, how given.

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

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

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

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

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

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

Sheriff may be reappointed.

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

Proviso.

In case of death, absence, &c.

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

Penalty for refusing office, &c. without satisfactory reasons.

7. Any person selected and nominated to the office of sheriff, who shall refuse to accept the office, or shall fail to give satisfactory security shall forfeit fifty pounds, unless

reasons for so refusing or failing shall be given to the satisfaction of the Governor in Council.

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

Form of oath to be taken before entering upon duty.

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

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

Penalty for not rendering account of forfeiture &c.

10. Any person injured by any act or omission of a sheriff, may sue on his bond in the name of the Queen, and be entitled to the proceeds with costs. The defendant shall be entitled to costs if judgment be given in his favor, but no action shall be brought upon the bond until judgment shall first have been recovered against the sheriff.

May be sued on bond.

Costs.
Proviso.

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

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

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

Writs, how returned.

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

Limitation of actions.

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

Cap. 20 rev. stat. repealed.

CHAPTER 33.

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

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Fall term at Shelburne, when held.
2. May term at Barrington, when held.
3. Spring term at Digby, when held.
4. Judge may prolong Spring term at Annapolis.

SECTION.

5. Inconsistent parts of cap. 126, Revised Statutes, and cap. 3, acts 1856, repealed.
6. Cap. 3, acts 1857, repealed.

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

Fall term at Shelburne, when held.

1. Hereafter the fall term of the supreme court at Shelburne shall commence on the second Tuesday after the last Tuesday of September, instead of on the second Wednesday after the last Tuesday of September, as at present.

May term at Barrington, when held.

2. After the ensuing May term of the supreme court at Barrington, the said court shall thereafter be held there on the second Tuesday after the fourth Tuesday of April in each and every year.

Spring term at Digby, when held.

3. The spring term of the supreme court at Digby shall hereafter commence on the Tuesday after the fourth Tuesday of June instead of the fourth Tuesday of June, as at present.

Judge may prolong spring term at Annapolis.

4. If it should be necessary to prolong the spring term of the supreme court at Annapolis in order to dispose of the business at such term, the presiding judge shall have power to continue such term for one week instead of adjourning such term until the Tuesday after the fourth Tuesday of June, as directed by chapter 2 of the acts of 1856.

Inconsistent parts of cap. 126 rev. stat. & cap. 3 acts 1856 repealed. Cap. 3 acts 1857 repealed.

5. So much of chapter 126 of the Revised Statutes, and of chapter 3 of the acts of 1856, as is respectively inconsistent with this act, is repealed.

6. Chapter 3 of the acts of 1857 is repealed.

CHAPTER 34.

An Act to continue the Act to amend Chapter 136 of the Revised Statutes, "Of Juries."

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Cap. 7, acts 1856, continued.

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

Cap. 7 acts 1856 continued.

1. Chapter 7 of the acts of 1856, entitled, An Act to amend Chapter 136 of the Revised Statutes, "Of Juries," is continued for five years, and from thence to the end of the then next session of the general assembly.

CHAPTER 35.

An Act to amend the Jury Law.

(Passed the 15th day of April. A. D. 1859.)

SECTION.—All jury lists at last sittings valid.

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

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

All jury lists at last sittings valid.

CHAPTER 36.

An Act to amend the New Practice Act.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. All causes returnable at Halifax, and which can be heard in a summary way, may be tried before a judge at chambers.
2. Notice of trial.
3. In other counties may be tried during term in court, or at chambers.

SECTION.

4. Parties subject to same penalties for not appearing, &c., as if tried in court, and judge to have same control.
5. Court may regulate practice, &c.
6. Appeal.

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

1. All summary, sub-summary, appeal, and other causes returnable at Halifax, which can now be heard in a summary way, may be tried before a judge at chambers in vacation, if the plaintiff in the suit, or the appellant or appellee, in cases of appeal shall desire to bring on the trial before the then next sittings of the supreme court.

All causes returnable at Hx. and which can be heard in a summary way, may be tried before a judge at chambers.

2. Ten days notice shall, in such case, be given to the Defendant, or by either the appellant or appellee in case of appeals, or his attorney, of the time and place of trial if the defendant reside within the county—twenty days if in any part of the province except Cape Breton, and thirty days if within that island.

Notice of trial.

3. In all other counties such causes, if not disposed of on the first day of the term, may be tried either in court or at chambers on any other day in term.

In other counties may be tried during term in court or at chambers.

4. All parties required to attend and give evidence at the trial, or to produce books, papers, deeds, or other documents, shall be subject to the same penalties for not appearing as wit-

Parties subject to same penalties for not appearing, &c.,

as if tried in court and judge to have same control.

Court may regulate practice. &c.

Appeal.

nesses, or not producing such documents, as if the trial had taken place before the court, and the judge shall have the same control over the proceedings.

5. The court may, from time to time, make rules to regulate the practice, and direct when and where such trials shall take place.

6. The court may, from time to time, make rules to regulate all appeals from the decision of a judge at chambers.

CHAPTER 37.

An Act in further amendment of the New Practice Act.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Proceedings revive judgment when defendant out of province.

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

Proceedings revive judgment when defendant out of province.

1. In cases where a party shall be desirous of reviving a judgment under section 116 of the New Practice Act, and the defendant shall not be within the province, instead of the personal service of the writ of revivor, or of the rule or summons to shew cause why execution should not issue, it shall be in the power of the supreme court, or a judge on sufficient cause shewn to the satisfaction of such court or judge to order publication or constructive service of the writ or rule to be made in such manner, and for such time as the court or judge shall think proper, and such publication or constructive service shall have the same effect as a personal service on the defendant.

CHAPTER 38.

An Act in addition to an Act to amend Chapter 168 of the Revised Statutes, "Of the Administration of Criminal Justice."

(Passed the 15th day of April, A. D. 1859.)

SECTION 1.—All fines, &c. to be paid to county treasurer. 2.—How applied.

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

All fines, &c. to be paid to county treasurer.

1. All fines and forfeitures levied and collected by the judgment of the supreme court in any of the counties of this province, shall be paid into the hands of the County Treasurer for such counties respectively.

How applied.

2. The fines and forfeitures so paid to the County Treasurer shall be paid and applied by him towards the payment of witnesses attending criminal trials, and also to witnesses attending prosecutions for offences committed against the provisions of the first and second sections of chapter 161 of the

Revised Statutes, "Of offences against the administration of Justice," under the same rules and regulations as provided by the act hereby amended.

CHAPTER 39.

An Act relative to the Administration of Criminal Justice.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Judge may direct imprisonment in common jail. Proviso.

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

1. In all cases where an offender is made liable to imprisonment under any statute of this province, the judges of the Supreme Court may direct the imprisonment to be in the provincial penitentiary, or in the common jail of the county, at their discretion; but if the judge shall direct the imprisonment to be in the common jail, such imprisonment shall not extend beyond the period of six months.

Judge may direct imprisonment in common jail.
Proviso

CHAPTER 40.

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

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Punishment for interrupting surveyor acting by order of governor or judge.

SECTION.

2. Privilege of surveyors acting under such authority.

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

1. Surveys may be ordered to be made by the Governor or by a judge of the supreme court, and if any person shall interrupt, molest, or hinder any surveyor, deputy surveyor, or other person while conducting the survey under such order, he shall be deemed guilty of a misdemeanor, and being convicted thereof before two justices, shall be punished by fine or by imprisonment, or both, such imprisonment not to exceed two months, and such fine not to exceed five pounds, without any prejudice to any civil remedy for damages which such surveyor or other authorized person may have against such offender by reason of such offence.

Punishment for interrupting surveyor acting by order of governor or judge.

2. Any surveyor, deputy surveyor, or other person when engaged in a survey under the order of the Governor or a judge, may pass over, measure along, trace, and ascertain the bearings of any boundary line, and for such purposes may, with his assistants, pass over the lands of any person whomsoever, doing no actual damage to such lands, and no action

Privilege of surveyors acting under such authority.

shall lie against any such surveyor or authorized person for any act done under or by virtue of this act.

3. Chapter 29 of the acts of 1858 is repealed.

CHAPTER 41.

An Act to amend the Act for the management of the Hospital for the Insane.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Arbitrators, how appointed.
2. Proceedings on arbitration, &c.
3. Nature of award, &c.
4. Compensation, how estimated. In case of disagreement. Award, when filed. On application, court or two judges may set aside or confirm award in whole or in part, or may order reconsideration.
5. Deeds to be approved by court of judges.

SECTION.

6. Proceedings when award has been estimated.
7. 24 sec. act amended repealed.
8. In case commissioners require other lands, &c., or to re-open where pipes are.
9. Comm'rs. may make special agreements regarding board of patients.
10. Governor in council may authorize erection of portion for unruly patients. May borrow funds. Repayment.

Preamble.

Whereas the commissioners of the provincial hospital for the insane have conducted water for the use of the hospital from Maynard's lake, under an agreement with the parties interested that compensation should be adjusted after the legislature had passed an act more adequate to meet the circumstances than the provisions of the act hereby amended in that particular have proved :

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

Arbitrators, how appointed.

1. The supreme court or two judges, upon application of the commissioners of the provincial hospital for the insane, or of any party interested, after due notice to all the parties concerned, shall require the commissioners to name one arbitrator, and in their default shall name one for them, and shall require the parties entitled to compensation, or a majority of them, to name one arbitrator, and in case of their default to agree on an arbitrator, shall name one for them, and shall name the third arbitrator.

Proceedings on arbitration, &c.

2. The arbitrators shall be sworn, before the court or judges, to the faithful discharge of their duty. They shall hear the parties and witnesses, and shall examine the localities and make themselves acquainted with the nature of the respective claims by such other evidence, and in such other manner as they shall deem proper, and shall have power to call witnesses before them, and to examine the parties, and witnesses on oath, which they are hereby empowered to administer, and witnesses neglecting to attend shall be liable to the penalties to which witnesses are subject, who neglect to attend after due notice before a judge or commissioner for taking evidence *de bene esse*.

3. The arbitrators shall fairly and truly estimate the value of the lands which the commissioners require to take and hold in perpetuity, and which, upon the final confirmation of the award and tender of the price, shall be vested in the commissioners in fee simple; also the amount of compensation to the proprietors of land through which the pipes of the commissioners are taken, and the title of which land shall not pass to the commissioners, but the easement or privilege only, as well for damage and inconvenience incurred from laying the pipes as for deterioration of title and saleable value by reason of the existence of the easement or right; also the compensation due to the several proprietors of the lake, according to their respective rights for the perpetual privilege of drawing off the water for the use of the hospital, and for damages by reason of damming and overflowing land, or of affecting the discharge of drains and other injuries, direct or consequential; and also the compensation to the proprietors of the lands through which the waters of the lake pass in their way to the harbor, for diminished flow of water by reason of the pipes, dams, or works of the commissioners. They may make such compensation by the privilege of having water conveyed from the pipes of the commissioners to the party injured, in such quantity and manner, and under such restrictions as may be deemed proper.

Nature of award, &c.

4. The arbitrators shall make a just appraisement, and may estimate compensation for the privileges and easements by a specific sum, or by an annual payment or rent, to continue as long as the easement, and in case of disagreement, two of the arbitrators may make the award, and the award shall be returned into the prothonotary's office, and on application of the commissioners, or either of the parties, and after due notice to all the parties concerned, the supreme court or two judges shall hear the parties and determine the questions that arise in such manner as they may order, and confirm or set aside the award in whole or in part, and may alter, modify, and change the same, or may order a reconsideration of the whole or any part of the subject, by the same arbitrators, or may direct the appointment of other arbitrators in manner aforesaid, for the consideration of the whole or any part of the subject, and succeeding awards shall be subject to the same proceedings as the first award.

Compensation, how estimated.

In case of disagreement.

Award, where filed.

On application court or judges may set aside or confirm award in whole or in part, or may order a reconsideration.

5. The court or judges shall direct and approve of the deeds required to be mutually executed for carrying out the several premises.

Deeds to be approved by court or judges.

6. When the award shall finally be established by the court or judges, they shall, by rule or order confirm the same, and thereupon such deeds as may be required, shall be mutually executed; and the commissioners shall pay the amounts of such valuations as may be awarded, and also such reasonable costs and expenses as such court or judges may direct.

Proceedings when award has been established.

24th sec. of act amended repealed.

In case commissioners require other lands, &c. or to re-open where pipes are.

Commissioners may make special agreements regarding board of patients.

Governor in council may authorize erection of portion for unruly patients.

May borrow funds.

Repayment.

7. The twenty-fourth section of the act hereby amended is repealed.

8. In case the commissioners hereafter shall require any further lands or privileges, or to re-enter and re-open lands where the pipes are laid, the proprietors or occupiers shall be entitled to such compensation as may be agreed upon with the commissioners, and in case of no agreement being entered into, either party may proceed in such case, in the same manner as herein directed for the first occasion.

9. The commissioners in the case of patients in whose behalf admission is sought into the hospital, and where, in their judgment, there are circumstances justifying a departure from the ordinary rates, may make special arrangements for the amount and payment of board.

10. The Governor in Council may order the commissioners of public works to proceed with the erection and furnishing that portion of the hospital designed for unruly patients, and may pay for the same out of the ordinary revenues, or may borrow the necessary funds on debentures of such amount at such rate of interest not exceeding six per cent., and redeemable at such times as the Governor in Council may direct, or in such a manner as may be most advisable.

CHAPTER 42.

An Act further to amend Chapter 73 of the Revised Statutes, "Of Commissioners of Sewers, and the regulating of Dyked and Marsh Lands."

(Passed the 15th day of April, A. D. 1859.)

SECTION 1.—Sec. 18 cap amended repealed. 2. Damages for taking sods, &c. how assessed and paid. Undivided land to be allotted to injured party.

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

Sec. 18 cap. amended repealed.

Damages for taking sods, &c. how assessed and paid.

Undivided land to be allotted to injured party.

1. Section 18 of the chapter hereby amended is repealed, and the following section is substituted in lieu thereof.

2. When sods or soil shall be cut off the land of any proprietor, inside or outside of the dyke, for the purpose of making or repairing such dyke, or when such lands shall be washed away, or dyked out, or injured by carting over the same by order of the commissioners, such damage shall be valued, assessed, and paid as other dyked rates. If there be any lands so reclaimed, lying undivided, and in common, the same shall be as far as it may be available, allotted to the party injured, and the balance only, if any, assessed as above.

CHAPTER 43.

An Act to amend the Laws relative to the Militia.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. Sec. 3. cap. 6, acts 1857, repealed.
2. Governor may call out volunteers for drill.

SECTION.

3. May regulate issue of arms, &c

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

1. Section 3 of chapter 6 of the acts of 1857 is repealed.
2. The Governor may make orders for the calling out for drill of volunteer companies of Militia, to be formed under chapter 10 of the acts of 1855, and may prescribe the number of days during the year on which such companies are to meet for that purpose.
3. The Governor may regulate the issue of the necessary arms, and accoutrements for volunteer companies when so formed, and may prescribe the mode of keeping the same, and the security to be given for their return into store at the expiration of the period set apart for drill.

Sec. 3, cap. 6, acts 1857, rep.

Governor may call out volunteers for drill.

May regulate issue of arms &c.

CHAPTER 44.

An Act to legalize certain proceedings relative to Assessments.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Proceedings relative to assessment legalized though not in conformity with cap 20, acts 1856.

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

1. For the present year the assessment for poor and county rates in those counties of the province which may not have carried out the provisions of chapter 20 of the acts of 1856, for establishing a more equal and just system of assessment, and of the acts in amendment thereof, shall be made and collected under chapters 46 and 89 of the Revised Statutes, and all proceedings of the sessions in those counties respectively with reference to such assessments, and all acts consequent thereon for the collection thereof, are hereby legalized and confirmed, if taken in conformity with the chapters of the Revised Statutes above referred to; but the sessions and other authorities in those counties respectively are required and enjoined hereafter, strictly to carry out the provisions of chapter 20 of the acts of 1856, and of the acts in amendment thereof.

Proceedings relative to assessment legalized though not in conformity with cap. 20, acts 1856.

CHAPTER 45.

An Act further to enforce the making of Assessments.

(Passed the 15th day of April, A. D. 1859)

SECTION.

1. Proceedings in case assessors refuse to act.
2. Proceedings if no assessment made in consequence of refusal of assessors.
3. Penalty for assessors refusing, &c. how recovered.
4. Justice may specify time for returning distress. Penalty for not returning distress.

SECTION.

5. If all names not collected another warrant may issue. Separate one may issue against each defaulter.
6. When amount exceeds £50 warrant may be directed to sheriff.
7. Salary of county treasurer.
8. Cap. 40 Rev. Stat. sec. 28 repealed.

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

1. In case any assessor of poor or county rates, of railway damages, or railway contribution, or any other rate or charge, should refuse to act, a special sessions shall be convened with as little delay as practicable, and such sessions shall appoint such additional assessors as may be necessary.

2. If in consequence of the neglect or refusal of the assessors to act, the assessment shall not have been made, or shall not be proceeded with at the period directed by chapter 20 of the acts of 1856, the assessors appointed under this act shall, within a month after being notified of their appointment, proceed to make the assessment.

3. Any assessor neglecting or refusing to be sworn into office, or to perform any of the duties belonging to his office, shall forfeit twenty pounds, to be recovered in the same manner as a private debt before any two justices of the peace, and shall be sued for by the clerk of the peace.

4. In granting warrants of distress against defaulters, the justice issuing the same may specify therein when the same shall be returnable, and the constable shall return the same to the justice within the specified time, under a penalty of five pounds.

5. In case all of the arrears of assessment shall not have been collected within the time mentioned in the first warrant, another warrant may issue against those who shall remain defaulters; and if from any cause it shall appear expedient, the justice may issue a separate warrant against any particular defaulter.

6. When the whole amount to be collected in any one district, and for which a warrant is required, shall exceed the sum of fifty pounds, the justices of the peace instead of directing the warrant to a constable, may, if they shall see fit, direct the same to the sheriff of the county to collect, who shall have all the authority in that behalf which a constable possesses by law.

Proceedings in case assessors refuse to act.

Proceedings if no assessment made in consequence of refusal of assessors.

Penalty for assessors refusing, &c. how recovered.

Justice may specify time for returning distress.

Penalty for not returning distress.

If all arrears not collected another warrant may issue.

Separate one may issue agn't each defaulter.

When amount exceeds £50 warrant may be directed to sheriff.

7. The salary of the county treasurer may be fixed by the grand jury and sessions like that of other county officers. In case no provision is made therefor, he shall be allowed one and a half per cent. on all monies received by him for railway damages, and five per cent. on other monies as now by law established.

Salary of county treasurer.

8. Section 23 of chapter 46 of the Revised Statutes is hereby repealed.

Cap. 40 rev. stat., sec. 23, repealed.

CHAPTER 46.

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

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- 1. Lists of officers to be posted.
- 2. Officers, when to go into office, & c.
- 3. Surveyors of highways to be indemnified in actions for refusing to perform statute labor.

SECTION.

- 4. All officers eligible for re-appointment, and may hold one or more offices.
- 5. Returns of highway surveyors, when made. Penalty.
- 6. Salary of county treasurer.
- 7. In case duties of officers not defined.

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

1. The Clerk of the Peace shall cause lists of all officers appointed at the sessions for the several townships or districts, to be posted in at least three of the most public places there-in within one week from the close of such sessions.

Lists of officers to be posted.

2. All such officers, except overseers of the poor, shall enter upon their duties on the twentieth day from the first day of the sessions, and the old officers shall serve up to that time. Overseers of the poor shall take office at the time now by law provided for the holding of the first town meeting after their appointment, and their predecessors shall discharge their duties of office until then.

Officers, when to go into office, & c.

3. Surveyors of highways shall be indemnified by the county in cases where they may bring actions under the written authority of two justices of the peace against persons neglecting or refusing to perform their statute labor.

Surveyors of highways to be indemnified in actions for refusing to perform statute labor.

4. All town officers shall be eligible for re-appointment annually, and may serve in one or more offices.

All officers eligible for re-appointment, and may serve one or more offices.

5. Surveyors of highways shall make their returns to the clerk of the peace at least twenty days before the meeting of the sessions, under penalty of ten shillings for each default.

Returns of highway surveyors, when made. Penalty.

6. The justices in session may fix the rate of the County Treasurer's salary, not to exceed five per cent. on the amount of monies received by him, unless the grand jury grant an additional sum.

Salary of county treasurer.

7. In cases where the duties of town officers are not now defined by law, the justices in session shall have power to determine the same.

In case duties of officers not defined.

CHAPTER 47.

An Act relating to destitute Seamen.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. Applications to be examined reported on by Registrar.

SECTION.

2. Funds, how obtained. Reimbursement.

3. Fees.

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

Applications to be examined & reported on by Registrar.

1. All applications for the relief of destitute seamen, or for the payment of the necessary expenses of their conveyance to this province, or to their proper destination, shall be examined and reported upon by the Registrar of Shipping at Halifax, or at the port of arrival, and it shall be his duty to carry into effect the provisions of "the Merchant Shipping Act of 1854," according to the circumstances of each case, subject to the approval of the Governor.

Funds, how obtained.

2. The funds necessary for the above purpose, shall be advanced from the provincial treasury, and when required the reimbursement of any advance so made, shall be claimed from the imperial authorities, or the government of the colony or country of the vessel to which the seaman shall belong.

Reimbursement.

3. Such fees shall be allowed to the officer performing this duty as shall be regulated by the Governor in Council.

Fees.

CHAPTER 48.

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

(Passed the 15th day of April. A. D. 1859.)

To his Excellency the Right Honorable THE EARL OF MULGRAVE, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

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

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

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

- Two hundred pounds to the speaker of the house of assembly, for his salary for the present year. £200 Speaker.
- Three hundred pounds to the clerk of the house of assembly, for his services for the same year. 300 Clerk H. A.
- Twenty-five pounds to the chaplain of the house of assembly, for his services for the present session. 25 Chaplain do.
- Two hundred pounds to the clerk assistant of the house of assembly, for his services for the present session. 200 Clerk asst.
- Two hundred pounds to the clerk of bills to the house of assembly, for his services for the same session. 200 Cl'k of bills.
- Seventy-five pounds to the serjeant-at-arms to the house of assembly, for his services for the same session. 75 Sgt. at arms.
- Forty-five pounds to the assistant serjeant-at-arms to the house of assembly, for his services for the same session. 45 Asst. do.
- Forty pounds to the messenger of the Governor and the executive and legislative councils, for his services for the present year. 40 Mes. of Gov.
- Forty pounds to John Fitzerland for his services as messenger to the house of assembly, during the present session. 40 J. Fitzgerald.
- One hundred pounds to the clerk of the board of revenue, for his services during the present year. 100 Clk. rev. bd.
- Such sum to be paid on the certificate of the board of revenue, as may be sufficient to pay at the rate of seven shillings and six-pence per day to such persons as shall be employed by the Receiver General as extra waiters for the port of Halifax during the present year; five shillings a day to such extra waiters when unemployed; and at the rate of five shillings a day to temporary waiters. Waiters.
- Three hundred pounds to such persons as the Governor shall appoint to discharge the duties heretofore performed by the guager, weigher, and proof officer for the port of Halifax. 300 Guagers.
- Eighty pounds to the keeper of the assembly house, council chamber, and law library, for the present year. 80 Keeper of as.
- Four hundred pounds, to be at the disposal of the Governor, for the support of the establishment at Sable Island for the present year. 400 Sable Isld.
- Twenty-five pounds to the commissioners of the poor in Halifax, to defray the expence of continuing the school in the poor asylum for the present year, for the benefit of orphans and poor children in that establishment. 25 Poor Asyl'm.
- Three hundred pounds, at the disposal of the Governor, for the benefit of Indians for the present year. 300 Indians.
- One hundred pounds to the clerk of the crown in the supreme court of this province, for his services for the past year. 100 Cl'k crown.
- A sum, not to exceed four hundred pounds, to be at the disposal of the Governor, to be appropriated in paying seizing officers in various parts of this province, for more effectually protecting the revenue: provided no such officer shall receive more than fifteen pounds. 400 Seizing officers.

- 40 Chairmen. Twenty pounds to each of the two chairmen of bills and supply, for their services for the present session.
- 100 Travelling expenses members of gov't. One hundred pounds, to be at the disposal of the Governor, to defray the travelling charges of the members of the government non-resident in Halifax, when summoned during the recess to attend meetings of council, to be computed at the same rate as is allowed members of assembly.
- 125 Stationery secretary's office. One hundred and twenty-five pounds for stationery and other contingencies for the Provincial Secretary's office for the present year, the expenditure to be accounted for at the next session of the general assembly.
- 12 10 Fuel and crier, Vice Ad. court. Twelve pounds and ten shillings to the judge of the vice admiralty court, for fuel and crier of the court for the present year.
- Postage. Such sum, at the disposal of the Governor, as will be sufficient to repay the amount advanced from the treasury to defray the expense of postage of public departments during the past year.
- Private Sec'y of Gov. Such sum, at the disposal of the Governor, as will provide for the remuneration of a private secretary for the present year, at the rate of two hundred and fifty pounds sterling per annum.
- 50 Guysboro' Packet. Fifty pounds to such persons as shall run a proper packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under the regulations of the sessions of the counties of Guysborough and Richmond, to be paid on the certificate of such sessions, and the packet to be run under the same regulations as last year.
- 20 Ferry, Douglas. Twenty pounds, to aid the inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable boat or scow to run between Londonderry and that place; such boat or scow to be under the regulations of the sessions for the county of Hants, to be paid upon the certificate of three justices of the peace residing in Douglas that such boat has been run at least twice a week for six months, to their satisfaction.
- 20 Ferrymen, Shubenacadie. Ten pounds each to the two licensed ferrymen, at the mouth of the Shubenacadie, in the counties of Colchester and Hants, for the transportation of horses and carriages across that river; to be paid upon the certificate of the general or special sessions of each county, respectively, that such ferry has been duly attended, and proper boats procured and used.
- 25 Ferry, LaHave. Twelve pounds and ten shillings each to Joseph Pernette and Charles Pernette, for keeping up the ferry over LaHave River.
- Ferry, Sable cr. Ten pounds to Cornelius Craig, to enable him to keep up a ferry across the Narrows, at the entrance of Sable River, in the county of Shelburne, under the regulations of the sessions, and to be paid on their certificate.

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

16 Ferry. Strait of Canso.

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

20 Ferry. Port L'Herbert.

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

10 Ferry. Low Point.

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

20 Ferry. Cape Sable Island.

Fifteen pounds to aid in maintaining a ferry during the present year between Amherst and Minudie, such ferry to be under the regulations of the sessions for the county of Cumberland, and to be paid on their certificate that the ferry has been conducted to their satisfaction.

15 Ferry. Amherst.

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

15 each ferrymen. Grandique River.

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

22 10 ferrymen Sheet Harbour & N. W. Arm.

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

5 each ferrymen. Liscomb Harbour.

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

5 ferrymen. Basin Gut.

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

10 Ferry. Neecum Teuch.

- 10 Ferry. Liscomb Harbour. Seven pounds and ten shillings, to aid in establishing a ferry, during the present year, over Liscomb Harbor, opposite the highway at Clay Head, in the county of Guysborough; such ferry to be under the regulations of the sessions, and the amount to be paid on their certificate that the same has been conducted to their satisfaction.
- 5 Ferrymen, Bear River. Five pounds to the ferryman at Bear River.
- 375 Steamboat, Halifax and St. John. Three hundred and seventy-five pounds to such persons as shall run a suitable steamboat between Halifax and Saint John's, Newfoundland, touching at Cape Breton going and returning, to be paid when it shall appear to the satisfaction of the Governor in Council that the service has been properly discharged.
- 5 each Ferrymen, Petite Passage. Five pounds each to two ferrymen—one on each side of the Petite Passage,—and five pounds each to the ferrymen at the Grand Passage, county of Digby, to be paid on the certificate of three justices of the peace of the county that suitable boats have been provided, that the respective ferries have been conducted under the regulations of the sessions, and that the public have been properly accommodated.
- 5 each Ferrymen, Grand Passage. Five pounds to John Young, of Lingan, in the county of Cape Breton, to enable him to keep a ferry across the passage or strait between Lingan and Bridgeport.
- 5 Ferry, Lingan. Five pounds to the ferryman at St. Ann's Harbor, in the county of Victoria.
- 5 Ferrymen, St. Ann's Harbour. Five pounds to the ferryman at Margaree River, in the county of Inverness.
- 5 Ferrymen at Margaree River. Four pounds each to the ferrymen between the Grand Narrows, in the county of Cape Breton.
- 4 each Ferrymen, Grand Narrows. Five pounds to the ferrymen at the North Bar and the town of Sydney, in the county of Cape Breton.
- 5 Ferrymen, North Bar. Fifteen pounds to the ferryman at the entrance of the Great Bras d'Or, in the county of Victoria.
- 15 Ferrymen, Great Bras d'Or. Five pounds in aid of the ferry across Pugwash Harbor.
- 5 Ferry, Pugwash Harbour. Forty pounds to aid the inhabitants of Cape Breton in supporting a suitable boat or scow to run between McMillan's Point, in Cape Breton, and Auld's Cove, in the county of Sydney, such boat to be placed under the regulations of the supervisors of the main post road and of the sessions of the county of Inverness.
- 40 Ferry boat, Cape Breton. Ten pounds to the ferryman at Milford, to aid in maintaining a ferry during the present year between Milford and Ship Harbor, in the county of Inverness, and to aid in procuring suitable boats for the purpose; such ferry to be under the regulations of the sessions for the county of Guysborough, and to be paid on their certificate that the service has been performed to their satisfaction.
- 10 Ferryman, Milford. Ten pounds to Josiah Embree, the ferryman at Ship Harbor, to aid in maintaining a ferry during the present year between Ship Harbor and Milford, in the county of Guysborough, and
- 10 Ferryman, Ship Harbour.

to aid in providing suitable boats for the purpose ; such ferry to be under the regulations of the sessions for the county of Inverness, and the amount to be paid upon their certificate that the same has been conducted to their satisfaction.

Five pounds to each of the two ferrymen at St. Mary's River, Guysborough. 5 each Ferry-men, St. Mary's River.

Seven pounds and ten shillings in aid of the ferry at the entrance of Southern Bay, Ingonishe, Victoria. 7 10 Ferry. Southern Bay.

Five pounds to the ferryman at the entrance of Gut of Mire River, in Cape Breton county. 5 Ferryman, Mire R.

Ten pounds to the ferryman at Little Bras d'Or, Cape Breton. 10 Do. Little Bras d'Or.

Five pounds to the ferryman at Sydney River, Cape Breton. 5 Do. Sydney River.

Three pounds to each of the two ferrymen at Tusket, in the county of Yarmouth. 6 Ferrymen, Tusket.

Ten pounds to the ferryman at the mouth of Ship Harbor, Halifax. 10 Ferryman, Ship H.

Five pounds to each of the two ferrymen on each side of the Jordan River, in the county of Shelburne. 10 Ferrymen, Jordan River.

Ten pounds in aid of the ferry across Wallace harbor, in the county of Curaberland. 10 Ferry, Wallace H.

One thousand pounds, at the disposal of the Governor, to pay a sum not exceeding twenty pounds each, for their services during the present year, to the controllers at the different ports, and such further sum as shall be required to pay at the same rate such other controllers as may be appointed during the present year. 1000 Controllers

Thirty pounds to Edmund Crowell, of Seal Islands, in the county of Yarmouth, for keeping the establishments on the islands to aid vessels in distress. 30 Establishment, Seal Islands.

Twenty pounds to William Goodwin and George W. Smith, residents upon Mud Islands, county of Yarmouth, to enable them to provide and keep efficient boats, and otherwise render assistance to shipwrecked mariners, to be paid on certificate of sessions that the boats are provided and kept, and the duty performed. 20 Boats. &c., Mud I.

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

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

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

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

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

Five hundred and seventy-five pounds for the salaries of the clerks in the provincial secretary's office for the present year, 575 Clerks Prov. Sec. Office.

the expenditure to be accounted for at the next session of the general assembly.

37 Ferrymen,
Big H.

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

290 Steamboat,
Sydney, &c.

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

109 Reporting
decisions of
Sup. Court.

One hundred pounds, at the disposal of the Governor, to provide for the reporting and publishing of the decisions of the supreme court.

207 Steam Com.
Ch. Town and
Pictou.

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

550 Rep. of De-
lates.

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

4045 1 11 Ad-
vances.

Four thousand and forty-five pounds one shilling and eleven pence, at the disposal of the Governor, to pay the following advances made from the provincial treasury during the year 1858:

Francis Carroll, for relief of destitute Indians, Cumberland.....	£10	0	0
Captain Brett, for furniture of government house.	265	0	0
E. G. Fuller, for live stock imported by him....	9	10	0
J. Whitman & son, freight of public documents, per "Star of the East".....	3	0	0
James McLaughlan, for relief of destitute Indians, Cumberland.....	10	0	0
William McKay, return of amount paid by him in 1855 for logs not delivered.....	50	0	0
Andrew McKinlay, for stationery in 1856, per bill	2	15	0
John Esson & Co., for relief of distressed persons, county of Guysborough.....	113	14	0
M. I. Wilkins, on account of commission for revis- ing statutes.....	40	0	0
John Holmes, for fixing bounds of mining associa- tion, Pictou, and giving plans of same.....	15	0	0
H. A. Gladwin, for relief of Indians, Halifax c'y..	10	0	0
W. T. Townsend, for relief of Indians, Halifax c'y	1	10	0
J. W. Johnston, for services of Mr. Pool, in Eng- land, to assist the delegates on Mines and Minerals.....	58	18	9

James Bowes & sons, printing for comptroller's office, 1857.....	£6	17	6
James Laurie, examining provincial railway and other services, from 23rd Sept., 1857, to May, 1858.....	939	13	0
Hon. Receiver General, to pay James Boggs and al. for services examining provincial railway, from 23rd Sept. to 5th May.....	216	1	0
Hon. Provincial Secretary, for passage of George Brown, (col'd.) hence to Guadaloupe.....	7	10	0
Mrs. Geo. Spriggs, for board of Geo. Brown, transient pauper.....	3	0	0
W. A. Henry, on account of commission for revising statutes.....	50	0	0
J. R. Smith, on account of commission for revising statutes.....	50	0	0
G. E. Morton & Co., for navy list and signals imported for the use of public service.....	9	3	9
Hon. Provincial Secretary, to pay expenses incurred examining steamer Emperor, at Windsor.	22	1	0
Benjamin Smith, expenses incurred in surveys at Jogjins and Spring Hill, 9th Dec., 1857....	30	12	6
Hon. Financial Secretary, for assistance in his office, 1857.....	25	0	0
Warran Smith, for conveying distressed seamen, St. Thomas and Turks Island to Halifax, in 1856 and 1857.....	£6	15	0
Hon. Provincial Secretary, to pay J. & W. Compton and al., for accounts of 1857, unprovided for in 1858.....	29	2	2
Walter Shea, for expenses omitted in contingencies, session of 1858.....	2	17	6
Corporal Pierce, to defray coach fare and other expenses incurred to St. Peters on public service.....	4	0	0
C. E. Leonard, for relief of distressed families at Gabarouse.....	6	4	9
Henry G. Hill, for services examining public works from 2nd July, 1857, to March, 1858.....	200	0	0
Thomas B. Aikin, on account of record commission.....	120	0	0
Hon. M. I. Wilkins, on account of commission for revising statutes.....	10	0	0
James McKeagney, to provide instruments for inspector of mines.....	15	16	4
Hon. Provincial Secretary, for expences as delegate to England.....	375	0	0
Alpin Grant, on account of public printing.....	125	0	0
James Laurie, on account of his services.....	339	0	0

Chartres Brew, to enable him to proceed on service of imperial government.....	£125	0	0
W. A. Henry, for expenses as delegate to England.....	375	0	0
James Laurie, balance of his account for services to 25th August, 1858.....	88	4	8
Thomas B. Aikin, on account of record commission.....	100	0	0
W. H. Keating, to pay expense of four seamen hence to St. John, N. B.....	3	10	0
David McDonnell, board and lodging four seamen late of ship "Peerless".....	2	0	0
S. Cunard & Co., passage of seamen of ship "Peerless" from Sydney, C. B., to Halifax.....	16	10	0
J. & W. Compton, on account of contract for printing revised statutes.....	100	0	0
H. C. D. Twining, drafting special contract between provincial government and Messrs. Compton, for printing, &c., second series revised statutes.....	4	13	4
David Corbet, for clothing furnished to seamen of barque "Peace," in 1857.....	21	14	9
Captain S. Allen, passage of Daniel King, mate of the "Arab," from Wilmington to Halifax....	2	2	6
George L. Vose, making surveys, plans, and estimates for bridge across Bear River.....	23	4	5

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

One thousand and ten pounds one shilling and five pence to defray the amount still due for public printing, pursuant to the report of the committee on that subject:

To the Queen's printer, for balance due him.....	£571	9	0
To William A. Penny.....	265	16	5
" Compton & Bowden.....	28	1	4
" Do. advertising.....	5	19	8
" A. Grant.....	30	12	6
" Thomas Annand.....	32	3	9
" Ritchie & Bulger.....	10	0	9
" Provincial Wesleyan.....	1	8	6
" A. Lawson.....	1	16	3
" E. M. McDonald.....	4	13	9
" Casket office.....	1	0	0
" William A. Penny.....	1	5	0
" James Barnes.....	2	5	0
" W. H. Blackadar.....	25	12	6
" Christian Messenger office.....	5	18	9
" Liverpool Transcript.....	£2	0	0
" Western News.....	5	10	9

To New York Albion.....£3 2 6
 " G. E. Morton & Co.....11 5 0

Eighty pounds to the Adjutant-general of militia, and forty pounds to the Quarter-master General of militia, for their services during the present year. 80 Adj. General Militia.
40 Qr. Mas. Gen. Do.

The allowances to the Adjutants of militia up to the first of August, 1857, and undrawn, shall be paid to them upon the usual certificates required by law. Allowances to Adj'ts. Militia.

Such sum, at the disposal of the Governor, as may be sufficient to defray the expense of keeping and cleaning militia arms and accoutrements up to the present time, at the rate of six pence per stand per annum, to be paid upon the certificate of the commanding officers of militia in the several counties, and of the Quarter-master General. Allowance cleaning Militia arms, &c.

Five pounds in aid of the ferry from the main land to Pearl Point Island, in the county of Yarmouth. 5 Ferry. Pearl Point I.

Twelve pounds and ten shillings to J. C. Fox, for his services as keeper of the fog bell at Yarmouth, during the present year. 12 10 J. C. Fox.

Fifteen hundred pounds to defray the expenses of the provincial penitentiary for the present year. 1500 Peniten-tiary.

Four hundred pounds to aid in the support of the deaf and dumb institution of the city of Halifax, pursuant to the report of the committee on humane institutions. 400 Deaf and Dumb Institu-tion.

Seventy-five pounds towards the support of the Halifax visiting dispensary for the present year, pursuant to the report of the same committee. 75 Dispensary.

Fifteen pounds to Donald Ross, of Victoria, to aid in the maintenance of three blind children, pursuant to the report of the same committee. 15 Donald Ross.

Thirty-three pounds two shillings and six-pence to Joseph Dickson, for the maintenance of an insane convict, pursuant to the report of the committee on the subject of his petition. 33 2 6 Joseph Dickson.

Forty-five pounds to John Gumb, to compensate him for the loss of that amount in provincial notes by fire, pursuant to the report of the committee on trade. 45 John Gumb

Twelve pounds and ten shillings to Mrs. Constantia Annand, widow of James Annand, being one quarter's salary of her late husband, to the 31st December last. 12 10 Mrs. An-nand.

One thousand pounds, at the disposal of the Governor, to aid in rebuilding the bridge over the East River, at New Glasgow, in the county of Pictou, being on the great mail route from West River to the Straits of Canso. 1000 East River Bridge.

Eighty-six pounds sixteen shillings and six-pence, at the disposal of the Governor, to defray the expenses incurred in laying out and exploring the new eastern road between Manchester, in the county of Guysborough, and the Strait of Canso. 86 16 6 New Eastern Road.

Fifty pounds to the Rev. Dr. Forrester, for services to be performed by him, pursuant to the report of the committee on agriculture. 50 Rev. Dr. Forrester.

56 S 2 T. B.
Aikin.

Fifty-nine pounds eight shillings and two-pence, at the disposal of the Governor, to defray the balance due T. B. Aikin, Esquire, commissioner of public records, pursuant to the report of the record commission.

16 School
House, Bridge-
town.

Ten pounds to aid the colored population of Bridgetown in completing their school house, pursuant to the report of the committee on education.

50 Infant
School, Halifax

Fifty pounds to the ladies managers of the infant school at Halifax, for assisting that benevolent and useful undertaking, pursuant to the report of the committee on education.

15 Normal and
Model Schools.

Fifteen pounds, at the disposal of the Governor, to pay the premium of insurance on buildings of the normal and model schools, pursuant to the report of the committee on education.

16 Do.

Sixteen pounds to defray the expense of postages and packages for the normal and model schools for the year 1858, pursuant to the report of the committee on education.

19 10 Do.

Nineteen pounds and ten shillings to defray the expense of postages and packages for normal and model schools for the present year, pursuant to the report of the same committee.

20 1 2 4 Over-
seers of the
Poor. &c.

Two hundred and one pounds two shillings and four pence to defray the several sums following, pursuant to the report of the committee on relief:

Overseers of Cornwallis: Dr. Hamilton.	£3	10	0	
J. Brown, in full.	7	10	0	
C. E. Lockwood.	0	16	3	
				£11 16 3
Overseers of Liverpool: Board of Eliza				
Anderson	27	8	11	
Passage to Halifax of do.	1	0	0	
Clothes	1	19	2	
Drs. Farish and Forbes:	0	10	0	
Expenses in Halifax	0	12	6	
3 months advance to com'rs.				
lunatic asylum	6	10	0	
				38 0 7
Board James Smith	2	2	6	
Clothes do	1	13	0	
				41 16 1
Overseers of Granville: McDonald	1	13	4	
Dr. Parker	3	5	0	
				4 18 4
Overseers of Onslow: Coughlan	4	13	9	
Removing do	2	0	0	
				6 13 9
John Comeford, Sydney, C. B.	1	10	0	
Overseers of Falmouth	1	12	7	
District No. 1 Annapolis	4	2	7	
1858—omitted last year	4	13	1	
				8 15 8

Overseers — 1st sect. Pictou—for Catharine Wise.....6 0 0

“ Charles Boyle.....12 7 4

“ Simon Welsh.....1 1 3

“ Dr. Johnston.....9 2 10

28 11 5

“ 2d sect. Egerton, Pictou:

“ Robt. Henderson.....1 2 6

“ Wm. Sutherland.....0 5 0

“ Dr. Murray.....1 13 6

3 1 0

Overseers township Arisaig, Sydney.....10 9 3

“ Clements, Annapolis.....10 8 0

“ Aylesford—Tool.....10 0 0

“ “ McCarron.....6 8 6

16 8 6

“ Port Hood.....10 0 0

“ Barrington—Thos. Davis:

“ “ Dr. Schrage.....1 7 6

“ “ Boarding.....0 12 0

“ “ Funeral expenses.2 0 0

3 19 6

“ “ Annie Flynn.....9 0 0

12 19 6

Overseers of Horton : To Martin Cleveland for Thos. Mahany..3 12 6

“ Doleman and Walker.....8 9 6

12 2 0

Donald Cameron—for Dr. Weeks’ bill.....20 0 0

The following sums to be placed at the disposal of the Governor, to aid in the following services, pursuant to the report of the committee on navigation securities: Allowances for breakwaters, &c.

To aid the breakwater at Griffin’s Cove, Digby....£15 0 0

“ “ Londonderry.....15 0 0

“ “ Baxter’s Harbor.....15 0 0

“ “ Gros Coque, Digby.....25 0 0

To aid in securing Arisaig pier.....15 0 0

“ provide a horse boat at Bear River, Digby.....10 0 0 Horse Boat, Bear River.

To aid the ferry from Washabuc to Baddeck, five pounds. 5 Ferry, Washabuc.

To aid the inhabitants of Molasses Harbor, in the county of Guysborough, to construct a boat canal, twenty pounds—provided a similar sum be raised by subscription, and expended on the work. 20 Boat Canal, Molasses Harbor.

Twenty pounds to Gaius Lewis, to compensate him for improvements made at Apple River on government property, pursuant to the report of the committee on navigation securities. 20 Gaius Lewis.

Allowances for Powder at Sambro.

Such sum, at the disposal of the Governor, as will be sufficient to defray the expense of powder used at Sambro to fire guns as fog signals, pursuant to the report on navigation securities.

100 Pictou and Magdalen Islands P'kt.

One hundred pounds to aid in sustaining a packet between Pictou and the Magdalen Islands, such grant to be under the control of the Post-master General, and upon the same terms and regulations as recommended in the report of the committee on the post office for last year.

350 3 11 A. & W. McKinlay.

Three hundred and fifty pounds three shillings and eleven pence to A. and W. McKinlay, in full of their account for stationery, binding laws and journals for the house of assembly for last year, including books sent to Australia.

6 Hannah Piles.

Six pounds to Hannah Piles, of Guysborough, pursuant to the report of the committee on road damages.

Board of Wrks.

Such sum as may be sufficient to defray the balance due to the board of works.

13 Sergeant-at-Arms.

Thirteen pounds to George R. Grassie, serjeant-at-arms to the assembly, for his travelling charges for the present session.

H. A. Members Pay.

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

Leg. Council Do. Do.

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

Allowance to Collegiate Institutions, &c.

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

Do. to complete Hospital for Insane.

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

500 Steamer, Pictou, Port Hood, &c.

Five hundred pounds per annum to any person or persons who will perform the following service: "To run a good and sufficient steamer from Pictou to Port Hood twice a week while the gulf is clear of ice, calling at Merigomish, Arisaig, and the Gut of Canso, going and returning: To run the same boat twice a week from Pictou to Arichat, calling at the Gut of Canso, Arichat, and Merigomish, going and returning.

75 Bras d'Or Lake Steamer.

Seventy-five pounds to the proprietors of the steamer plying upon the Bras d'Or lake, in addition to the sum already granted, on condition that she goes twice a week to and fro between Sydney and Wycocomah, calling at Baddeck when the lake is clear of ice.

400 Steamboat, Basin of Mines.

Four hundred pounds annually for four years to such person or persons as will perform the following service: To run a suitable steamboat three times a week round the Basin of Minas, connecting Hantsport, Parrsborough, Five Islands, Londonderry, Maitland, Petit, and Kempt, with the railroad at Windsor.

Thirty pounds to aid in replacing buoys in Barrington passage and John's Island passage.

30 Buoys, Barrington Passage.

Two hundred and eighty-six pounds twelve shillings and one penny, to defray the contingent expenses of the house of assembly, pursuant to the report of the committee on contingencies.

286 12 1 contingent expenses H. A.

Nine hundred and ninety-one pounds ten shillings and eleven pence, to defray the contingent expenses of the legislative council during the present session.

991 10 11 Do. Leg. Council.

Two thousand pounds to be paid to the commissioners of the poor in Halifax, for the support of transient paupers for the present year.

2000 Transient Paupers.

One hundred and ten pounds to John McLeod, contractor on St. Peter's canal, for extra services on that work, and as a final settlement of all his legal and equitable claims on the province on account thereof, pursuant to the report of the committee on railways.

110 John McLeod.

Thirty-six pounds and ten shillings to Amos Purdy, pursuant to the report of the committee on crown lands.

36 10 Amos Purdy.

Twenty-five pounds to Mrs. Elizabeth Bindon, pursuant to the report of the same committee.

25 Mrs. Bindon.

Twelve pounds and ten shillings to Clement H. Harrington, pursuant to the report of the same committee.

12 10 C. H. Harrington.

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

10 Alex. McPherson.

Ten pounds additional to the ferryman at Little Bras d'Or.

10 Ferrymen, Little Bras d'Or.

Two pounds and ten shillings to A. Ross, ferryman at Little Narrows, between Inverness and Victoria.

2 10 A. Ross.

Fifty-one pounds and one shilling, at the disposal of the Governor, to defray over-expenditure during the year 1858 for Indians, recommended by the committee on Indian affairs.

51 1 over-expenditure for Indians.

Twelve pounds and ten shillings to George O'Brien, and seven pounds and ten shillings each to William Boudrot, Peter Marchand, and Charles Letacheur, to mark the approval of this legislature for their praiseworthy and humane conduct in rescuing the crews of the ship "Petrel," of Quebec, and the schooner "Dart," of Halifax, under circumstances of great peril and danger to themselves.

12 10 Geo. O'Brien.
7 10 each to Wm. Boudrot and P. Marchant and Charles Letacheur.

Ten pounds granted in session of 1858 for the relief of the colored population in the county of Shelburne, and undrawn, shall be appropriated in aid of the schools at Port LaTour and Birch Town, in that county.

10 Schools, Port LaTour, &c.

Forty pounds granted in the session of 1853, in aid of a breakwater at Ira Woodworth Inlet, on the Bay of Fundy shore, in Cornwallis, shall be appropriated in aid of repairing

40 Chipman Brook Pier.

and securing the Chipman Brook pier, in Cornwallis, upon the terms and conditions of the original grant.

Undrawn Road
Monies to be
drawn within 2
years.

2. The right to apply for any undrawn monies for breakwaters and other services, approved of by the legislature, under the several grants therefor, shall be limited to a period of two years from the passing of the appropriation acts in which such grants were respectively contained; and where such period has already expired, or shall hereafter expire, without such monies having been drawn, the same shall revert to the treasury.

Steamboat |
owners, ferry-
men, &c must
perform one
year's service &
make return be-
fore drawing
allowance.

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

Ferrymen must
carry mails.

Allowance for
breakwaters, &
not payable un-
til 3 times as
much has been
expended.

4. No sums hereinbefore granted for aid to any breakwater, wharf, or pier, shall be drawn from the treasury, until it shall appear to the satisfaction of the Governor in Council that the parties interested in or applying for aid to any such work have subscribed and expended thereon, since the passing of the grant, at least three times the amount so granted, in addition to such grant, so that the whole amount expended on such work shall amount to four times the sum so granted, unless otherwise herein provided, and that the site thereof has been conveyed for the use of the public.

In case bridges,
&c. on main
post road des-
troyed.

5. If any of the bridges on the main post roads of this province shall be unexpectedly destroyed or obstructed by any unforeseen accident or obstacle, it shall be lawful for the Governor to order a commissioner to rebuild or repair such bridge, or to remove such obstructions; and it shall be lawful further for the Governor to draw warrants in favor of such commissioner, provided the sum so to be drawn shall not exceed, for the year, one thousand pounds, and the respective sums so drawn shall be charged at the next session of the assembly as against the several counties in which the same shall be respectively expended.

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

Application of
Undrawn Road
monies.

County of Halifax.....	£61	17	4
Hants.....	14	10	2
Kings.....	54	12	9
Digby.....	73	0	0
Yarmouth.....	10	1	0
Shelburne.....	16	6	0
Lunenburg.....	29	1	6
Colchester.....	60	18	9
Cumberland.....	82	16	7
Cape Breton.....	87	5	8

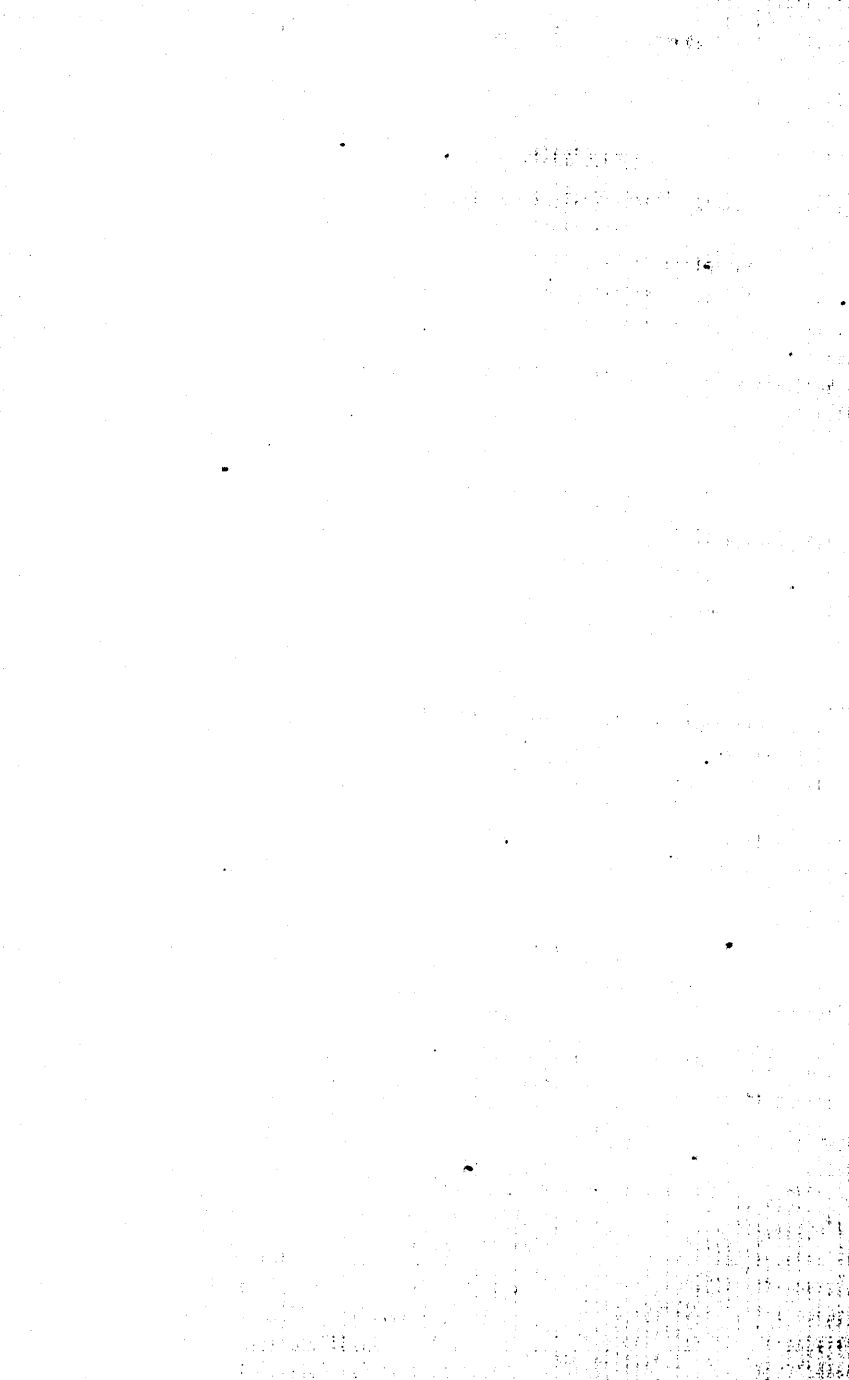
The sum of twenty-five thousand pounds granted for the road and bridge service for the present year, shall be applied as follows :

Ordinary Road
service.

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



LOCAL ACTS.



CHAPTER 49.

An Act for naming Port Mulgrave, in the County of Guysborough.

(Passed the 30th day of March. A. D. 1859.)

SECTION 1.—McNair's Cove to be Port Mulgrave.

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

1. McNair's Cove, in the county of Guysborough, shall hereafter be called and named Port Mulgrave.

McNair's Cove to be Port Mulgrave.

CHAPTER 50.

An Act to legalize the appointment of Commissioners of Streets for the Town of Liverpool.

(Passed the 30th day of March. A. B. 1859.)

SECTION 1.—Appointment for present year declared legal.

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

1. The appointment of commissioners of streets for the town of Liverpool for the present year is hereby declared legal and valid, notwithstanding such appointment was not made in strict conformity with chapter 11 of the acts of 1853, entitled. An Act to amend chapter 64 of the Revised Statutes, "Of Commissioners of Streets."

Appointment for present year declared legal.

CHAPTER 51.

An Act for the regulation of Truckmen and Truckage in the Town of Pictou.

(Passed the 30th day of March. A. D. 1859.)

SECTION 1.—General or special sessions may regulate the duties, charges, &c. Penalty. Parents and masters liable.

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

1. The general sessions of the peace in and for the county of Pictou, or any special session called for that purpose, shall and may make regulations and rules for the purpose of controlling and regulating truckmen and trucking in the town of Pictou, which regulations shall fix and define the duties and charges of truckmen and such other matters relating to the business of truckmen as to such session shall appear proper and necessary, and the general sessions or any special session called for that purpose shall have power to alter, add to, or amend such regulations, and shall impose a penalty, not ex-

General or special sessions may regulate the duties, charges, &c.

Penalty.

Parents and
masters liable.

ceeding forty shillings, for breach of such regulations, and such regulations shall have the force of law. The parents of minors employed by their fathers as truckmen, and masters of servants, who shall transgress any such regulations, shall be liable for the penalty therefor.

CHAPTER 52.

An Act to amend the Act to constitute Argyle, in the County of Yarmouth, a separate District.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Fishery regulations—how made.
2. Sec. 10 act amended repealed.

SECTION.

- 3 Appeals.

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

Fishery regula-
tions—how
made.

1. The sessions may appoint a committee of three justices, who, with a committee of three justices to be appointed by the sessions of the township of Yarmouth, shall, at the April term of the sessions at Tusket, make regulations for the fisheries of the county of Yarmouth, in which the district of Argyle and the other parts of the county are jointly interested; and also for carrying out, with respect to such fisheries, the provisions of chapter 95 of the Revised Statutes, "Of River Fisheries," and the Acts in amendment thereof.

Sec. 10 act am.
repealed.
Appeals.

2. Section 10 of the act hereby amended is repealed.

3. Appeals from judgments for breach of fishery regulations in the district of Argyle shall be made to the sessions of such district.

CHAPTER 53.

An Act to legalize certain proceedings of the Overseers of the Poor for the Township of Barrington.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Proceedings of overseers declared legal and binding.

SECTION.

2. Minutes, &c. to be recorded.

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

Proceedings of
overseers de-
clared legal and
binding.

1. The proceedings of the overseers of the poor for the several districts of the township of Barrington at a meeting held on the twenty-sixth day of January, A. D. 1858, together with the agreements and arrangements for the division and support of paupers in the several poor districts, are hereby declared to be legal and binding on the inhabitants of such districts, and on such overseers and their successors in office.

2. The minutes and records of such proceedings shall be registered in the office of the clerk of the peace for the district of Barrington.

Minutes, &c. to be recorded.

CHAPTER 54.

An Act to alter the time of holding the Sessions for the District of Shelburne.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. General sessions—when held. Grand Jury to attend January sitting.

SECTION.

2. Inconsistent parts cap. 44 rev. stat. repealed.

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

1. Hereafter the general sessions of the peace for the district of Shelburne shall be held on the second Tuesday of January, and the first Monday of June in each year, and the grand jury shall attend at the January sitting only.

Gen'l. sessions—when held.

Grand Jury to attend at Jan'y. sitting.

2. So much of chapter 44 of the Revised Statutes as is inconsistent with this act is repealed.

Inconsistent parts cap. 44 rev. stat. repealed.

CHAPTER 55.

An Act to authorize the sale of the Court House and Jail at Shelburne.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Sale authorized.
2. Application of proceeds.

SECTION.

3. Possession—when delivered.
4. Rights of Barrington not effected.

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

1. George Snyder, Alexander McNaughton, and Thomas Johnson, commissioners appointed by the sessions of the county of Shelburne for building a court house and jail in that county, are hereby empowered to sell at public auction, and convey in fee simple in such lots as they may see fit, the land whereon such court house and jail now stand, together with such court house and jail and other buildings now standing thereon.

Sale authorized

2. After deducting from the purchase money the charges attending such sale, the balance shall be paid over to the treasurer of the county, to be applied towards the erection of a suitable building for a jail, under the direction of the sessions.

Application of proceeds.

3. The possession of the old court house and jail, and materials, shall not be delivered to the purchaser, nor shall those buildings be removed until the new jail is in a position to be occupied.

Possession—when delivered.

4. Nothing herein contained shall affect any right of the district of Barrington to participate in the proceeds arising from such sale.

Rights of Barrington not effected.

CHAPTER 56.

An Act to provide for the construction of a Bridge over Jordan River, in the County of Shelburne.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Members may borrow £600—how applied. Repayment.

SECTION.

2. How expended.

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

Members may borrow £600—how applied

1. The members of the county of Shelburne may borrow, on the pledge of the road monies of the county and the security of this act, a sum not exceeding six hundred pounds, to aid in constructing a bridge over Jordan River, in the county of Shelburne, such loan to be repaid by equal annual instalments of one hundred and fifty pounds out of the road grants for the years 1859, 1860, 1861, and 1862, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

Repayment.

How expended.

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

CHAPTER 57.

An Act relating to the Town Hall at Upper Stewiacke.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. To be under control of town.
2. Trustees—how nominated.

SECTION.

3. To be legal possessors of hall, &c.
4. Cost of repairs, &c.—how paid, &c.

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

To be under control of town

1. The town house at Upper Stewiacke shall be under the management and control of the town, at their semi-annual meetings for the support of the poor.

Trustees—how nominated.

2. The trustees for its management may be nominated at any town meeting, subject to change or removal at any subsequent town meeting.

To be legal possessors of Hall, &c.

3. Such trustees shall, for the time being, be considered the legal possessors of the town house, and may maintain or defend actions in respect thereof.

Costs of repairs, &c.—how paid, &c.

4. The cost of keeping up, and maintaining, and repairing such house already incurred and unpaid, or hereafter incurred, shall be borne by the poor district of Upper Stewiacke, and be assessed, collected, and paid, in the same manner as sums for the support of the poor.

CHAPTER 58.

An Act to provide Funds for defraying the expense of completing Cornwallis Bridge.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Members may borrow £927. Repayment.

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

1. The members of King's county may borrow, on the pledge of the road monies of the county and the security of this act, a sum not to exceed nine hundred and twenty-seven pounds, to defray the balance of the expense of repairing and re-topping the Cornwallis bridge in that county ; such loan to be repaid by annual instalments of one half of the sum so borrowed out of the road grants of the county for the years 1860 and 1861, with interest, at a rate not exceeding six per cent. until the sum so borrowed shall have been repaid.

Members may borrow £927.

Repayment.

CHAPTER 59.

An Act for the building and improvement of certain Bridges and Roads within the County of Pictou.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Members may borrow £750.

SECTION.

2. How expended.

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

1. The members for the county and township, or the members to be returned for the eastern and western districts of the county of Pictou, may borrow, on the pledge of the road monies of said county and the security of this act, a sum not exceeding seven hundred and fifty pounds, to aid in the rebuilding of New Glasgow bridge ; also, a bridge at Upper Settlement, Middle River, near Arthur's mills ; also, for improving the road from Blue Mountains to St. Mary's ; also, for improving the new road in Piedmont Valley ; also for improving the new road from Churchville to New Glasgow ; also, for improving and repairing the main post road from Pictou to River John, and other roads in the vicinity of River John ; such money to be repaid in equal instalments of three hundred and seventy-five pounds, or according to the amount borrowed, with interest, at six per cent. out of the road grants for the years 1860 and 1861, and the amount payable in each of said years shall be deducted in equal proportions from the sums set apart for the eastern and western districts respectively.

Members may borrow £750.

How applied.

Repayment.

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

How expended.

CHAPTER 60.

An Act to provide for building a Bridge over the Liverpool River, in Queen's County.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Members may borrow £200. Repay- | SECTION.
ment. | How expended.

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

1. The members of Queen's county may borrow, on the pledge of the road monies of the county, and the security of this act, a sum not exceeding two hundred pounds, to aid in building a bridge over the Liverpool River, at Milton, in that county; such loan to be repaid by annual instalments of fifty pounds out of the road grants for the years 1859, 1860, 1861, and 1862, with interest, at a rate not exceeding six per cent. until the whole sum borrowed shall have been repaid.

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

Members may borrow £200.

Repayment.

How expended.

CHAPTER 61.

An Act relating to the Roman Catholic Cemetery at Dartmouth.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Trustees of Common to set off burial ground Boundaries. To whom conveyed.

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

1. The trustees of the Dartmouth common are hereby authorized to set off, for the purpose of establishing a burial ground or cemetery for the Roman Catholics of Dartmouth, a certain portion of such common adjoining the present public burial ground therein, beginning at the northern angle of the same on a street; thence running along the northern line of such burial ground three hundred and forty-nine feet six inches to the western angle thereof; thence northerly at right angles therewith two hundred and fifty-two feet; thence easterly parallel with the first mentioned line three hundred and forty-nine feet six inches to the aforesaid street, and thence along said street to the place of beginning, containing two acres; and such trustees shall convey the portion of the common so described to such person or persons as may be appointed by the Roman Catholic congregation of Dartmouth to receive the same for the purpose of being used solely as a place of burial.

Trustees of common to set off burial ground.

Boundaries.

To whom conveyed.

CHAPTER 62.

An Act to confirm certain proceedings of the Sessions of the County of Halifax with reference to Railway damages.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Proceedings of Sessions in March, 1859, confirmed.

SECTION.

2. Sessions may assess for balance.

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

1. The proceedings of the sessions of the county of Halifax, held at Halifax on the tenth day of March, 1859, with reference to the apportionment of railway damages among the townships, places, and districts in such county, are hereby confirmed and declared legal and binding on such townships, districts, and places respectively, although such proceedings may not be in strict accordance with chapter 13 of the acts of 1857, entitled, "An Act to authorize Assessments for Railway damages."

Proceedings of Sessions in March, 1859, confirmed.

2. The sessions may assess the townships, districts, and places within the county, for any balance of railway damages which may be required to be paid by such townships, districts, and places after the present year.

Sessions may assess for balance.

CHAPTER 63.

An Act in amendment of the Act concerning the City of Halifax.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Majority of Council shall decide all questions provided 10 members present beside chairman. Mayor to preside. In case of his absence, members to appoint chairman. Casting vote.

SECTION.

2. Sec. 77 chap. 1 of amended act, and all inconsistent acts repealed
3. Non-payment of rates not to disqualify mayor, aldermen, or assessors.

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

1. In all meetings of the city council of Halifax, a majority of the members present at such meetings shall determine all questions and matters submitted or under consideration, provided that the number at the said meetings be not less than ten besides the mayor or chairman. The mayor, if present, shall preside, and in case of his absence, such alderman as the members assembled shall choose to be chairman ; and in case of an equality of votes, the mayor or chairman presiding shall have a casting vote.

Majority of Council shall decide all questions provided 10 members present beside chairman, Mayor to preside. In case of his absence, members to appoint chairman. Casting vote.

Sec 77 chap. 1 of amended act, and all inconsistent acts repealed.

Non-payment of rates not to disqualify mayor, aldermen, or assessors.

2. The 77th clause of the first chapter of the act, of which this is an amendment, is hereby repealed, and all other laws or clauses of acts now subsisting, so far as they may require a larger quorum than ten members in the city council on any occasion, shall be and is repealed.

3. The non-payment of rates or taxes is not hereafter to be considered as an excuse, or a disqualification for the office of mayor, alderman, or ward assessor in such city.

CHAPTER 64.

An Act relating to the Signal Station at Halifax.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. Vessels from ports out of the province to pay 5 shillings.

SECTION.

2. Application of, &c.
3. Vessels excepted.

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

Vessels from ports out of the province to pay 5 shillings.

1. All steamers and other vessels entering the port of Halifax from ports out of this province, shall pay on each entry to the collector of colonial duties the sum of five shillings.

Application of, &c.

2. Such sum shall be paid over quarterly by such collector to the Receiver General, after deducting five per cent. commission thereon, and shall be applied towards defraying the expense of keeping up the signal station at Halifax.

Vessels excepted.

3. This act shall not apply to any vessels belonging to this province except those registered and owned in the port of Halifax.

CHAPTER 65.

An Act to prohibit the erection of Wooden Buildings within a certain portion of the City of Halifax.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. Portion of city in which no wooden buildings over 10 feet is to be erected.
2. Description of buildings to be erected within limits.
3. No existing wooden buildings to be enlarged.
4. Buildings, &c., erected contrary to this act to be declared a public nuisance.

SECTION.

5. Fines. Owner of ground or building to be liable.
6. Fine for contractor, &c. working after notice.
7. Fines—how recovered.
8. Not to extend to any contracts made.
9. Chap. 55 acts 1857 not repealed.
10. Buildings, &c., in violation of chap. 55 acts 1857 to be abated.

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

Portion of city in which no wooden buildings over 10 feet is to be erected.

1. No wooden buildings, over ten feet in height, shall hereafter be erected in the portion of the city of Halifax contained within the following boundaries, viz.: Beginning at

the foot of Salter street, and thence northwardly by the line of the west or upper side of Water street to the foot of Jacob street; thence along the south side line of Jacob street to the corner of Argyle street; thence along the east side line of Argyle street to the south-west corner of the grand parade; thence along the south side line of said parade to Barrington street, and crossing Barrington street and following the east side line thereof until it meets Salter street, at mason hall corner; thence along the north side line of Salter street to the place of beginning.

2. Within these limits all buildings, to be hereafter erected, shall be constructed of stone or brick, with brick or stone walls of not less than fifteen inches thickness, if of stone, and not less than twelve inches thickness for brick walls, and having a parapet of same materials, above the roof, of at least two feet high, between each separate building or tenement along the whole depth thereof.

3. No existing wooden building within the above limits shall be enlarged, raised, or added to.

4. Any building erected, or any addition made to any building, contrary to any of the foregoing regulations, shall be deemed a public nuisance, and shall be forthwith abated by order of the mayor, or of any alderman of the city.

5. Any person infringing this law, by erecting or causing to be erected any building hereby forbidden, or by any addition or enlargement of a building, contrary to this act, shall forfeit a sum, not to exceed fifty pounds, for such offence, and a further sum of five pounds for every month such prohibited building or addition shall remain and continue. The owner of the ground or building, whether for life, in fee simple, term of years, or otherwise, shall be liable to such fines.

6. Any contractor, builder, or workmen engaged therein, who shall persist in erecting such building or addition, after notice from the mayor to the contrary, shall be liable to a fine, not to exceed twenty shillings a day for every day he shall so act or persist.

7. All fines under this act are to be recoverable in the name of the city of Halifax, and for its benefit, in like manner and form as civil debts may be recovered.

8. This law is not to extend to any contracts already made in good faith for buildings, and signed before the passing of this act.

9. The provisions of chapter 35 of the acts of 1857, respecting wooden buildings in Halifax city, are not to be considered as repealed hereby, but shall remain in force as to the parts of the city therein limited, and not included in the bounds pointed out in this act.

10. Any buildings which may be erected in violation of the rules prescribed for wooden buildings in the said act of 1857,

Description of buildings to be erected within limits.

No existing wooden buildings to be enlarged. Buildings, &c. erected contrary to this act to be deemed a public nuisance.

Fines.

Owner of ground of building to be liable.

Fine for contractor, &c., working after notice.

Fines—how recovered.

Not to extend to any contracts made.

Chap. 35 acts 1857 not repealed.

Buildings, &c. in violation of chap. 35 acts

1377 to be abated.

chapter 35, shall be forthwith abated by order of the mayor or of any alderman of the city; and any enlargement or addition to any subsisting building shall be deemed an erection subject to said rules.

CHAPTER 66.

An Act to facilitate the perfecting of Titles in the Island of Cape Breton.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Governor to appoint commissioner for each county—their duties.
2. Commissioner of crown lands to furnish information, plans, &c.
3. Instructions to commissioners.
4. Report—nature of, &c. When conflicting claims.
5. Report subject to approval.
6. Surveys.

SECTION.

7. Grants to be taken out. Payment.
8. Grants shall convey title, notwithstanding occupant refuses to accept compensation.
9. Not to prevent grants being obtained under acts of 1850 and 1854.
10. Expenses and compensations to commissioners—how paid.
11. Accounts, Appropriations, &c.

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

1. The Governor in Council may appoint one commissioner for each county in the Island of Cape Breton, with authority to enquire into and ascertain the claims of parties occupying crown lands in the said Island, and for carrying out such instructions as may be issued by the commissioner of crown lands with the sanction of the Governor in Council, for the quieting their possessions and perfecting their titles thereto.

2. It shall be the duty of the commissioner of crown lands, in addition to such instructions, and the principal deputy surveyor of each county, to furnish to such commissioner all necessary information, and copies of such plans as may be required for the performance of their duty.

3. Such commissioner shall be instructed, as an essential part of his duty, to determine the lines and bounds which should divide the possessions of each occupant, and where this is impracticable, without the sacrifice of improvements made by the adjoining occupant, to adjust the value of the same, so that he may be compensated by the party who shall derive a benefit from such improvements.

4. Such commissioner shall from time to time make a report to the commissioner of crown lands of the lots of land ready to be surveyed, and about which no controversy exists, and of those respecting which he has made the adjustment according to the terms of this act, in order that the surveys may be ordered, and the payment of the lots be required at the usual rates; and when there are conflicting claims to the lands, the commissioner shall have power to examine witnesses on oath made before him, and shall report the facts and testimony to the commissioner of crown lands, to be submitted to the Governor in Council.

Governor to appoint commissioner for each county—their duties.

Commissioner of crown lands to furnish information, plans, &c.

Instruction to commissioner.

Report—nature of, &c.

When conflicting claims.

5. The report of such commissioner shall be subject to the approval of the Governor in Council. Report subject to approval.

6. Surveys shall be made with as little delay as possible of all lots, the boundaries of which have been determined upon by the commissioner, and parties whose lots have been thus defined and surveyed, and whose claims have been confirmed, shall be required to take out their grants and make payment according to such general regulations as the Governor in Council may from time to time establish, or according to such terms as may be affixed in particular cases, and subject to such conditions as the various interests affected may require. Surveys.
Grants to be taken out.
Payment.

7. All grants of lands, of which the title is in the crown, passed in pursuance of the order of the Governor in Council under the authority of this act, shall be valid, and shall convey to the grantee the title and possession, notwithstanding the intruder or occupant refuses to accept the compensation approved by the Governor in Council or to surrender his possession. Grant shall convey title, notwithstanding occupant refuses to accept compensation.

8. Nothing in this act shall prevent parties from obtaining grants of their lands to which they are entitled under the act of 1854, entitled, An Act for settling Titles to Lands in the Island of Cape Breton, and the Act to confirm Titles to Land in Cape Breton, passed in 1850. Not to prevent grants being obtained under acts of 1850 and 1854.

9. The Governor in Council may authorize the payment out of the proceeds of the crown lands granted under this act, of all necessary expenses incurred in the execution of this act, and shall allow each commissioner such compensation as his actual services shall merit, not to exceed forty pounds for his services performed in each county. Expenses and compensations to commissioners—how paid.

10. A distinct account shall be kept of all monies received for the sale of crown lands after the passing of this act in the several counties of Cape Breton, and out of the nett proceeds thereof, there shall be appropriated such amount for surveys, and opening up or making roads through the crown lands in that island, as may be considered necessary by the Governor in Council to promote the sale and settlement thereof. Accounts, appropriations, &c.

CHAPTER 67.

An Act to amend Chapter 38 of the Acts of 1857.

(Passed the 15th day of April, A. D. 1859.)

SECTION.—Members for Kings may extend period for repayment of loan.

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

1. The members for King's county are authorized to arrange for an extension of the periods directed for payment of Members for Kings may extend period for

repayment of
loan.

the balance of six hundred pounds and interest, borrowed by them under chapter 38 of the acts of 1857, entitled, "An Act to provide for repairing the Cornwallis Bridge;" and the payment which under such act shall have been made in the years 1859, 1860, and 1861, may be made during the years 1860, 1861, and 1862.

PRIVATE ACTS.

CHAPTER 68.

An Act to facilitate the division and management of Property by certain Presbyterian Churches and Congregations in Cornwallis.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Present congregation divided into three—their names.
2. Lands belonging to congregation—how divided. &c.
3. Title to land—how vested.

SECTION.

4. In case one church should cease to exist.
5. Old Presbyterian burying ground—how held, managed, &c. Right of Public to use of Cemetery not effected.

Whereas the Free Presbyterian church and congregation in Cornwallis have agreed to separate into three churches and congregations, under distinct pastorals and church officers, and have agreed that certain marsh lands in that township which are held by trustees appointed under and by virtue of an act passed in the year one thousand eight hundred and forty-three, entitled, "An Act to vest certain Lands belonging to the Congregation of the Presbyterian Church in Cornwallis, in Trustees, and to enable them to dispose of the same, and to purchase others in their stead," and the act in amendment thereof, should be divided, and that a portion thereof should be held and enjoyed by each of the said three churches and congregations :

Preamble.

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

1. The present Presbyterian church and congregation in Cornwallis may be divided into three separate churches and congregations, to be designated respectively : "The Free Presbyterian church of Western Cornwallis," "The Free Presbyterian church north of Canard River," and "The Cornwallis Free Presbyterian church, south of Canard River, including Kentville, Belcher street, Church street, and their vicinities."

Present congregation divided into three—their names.

2. So soon as the said three congregations shall be duly organized and their officers appointed, each congregation, at a meeting to be called for the purpose, shall nominate one person, not being a member of either congregation, and the three persons so nominated shall proceed as soon as practicable to divide the marsh lands now held by or for the present church and congregation, under the act hereinbefore mentioned, or otherwise, and to allot one portion thereof to each of the three churches and congregations, which division and allotment shall be accompanied by a plan shewing the portion assigned to each, and shall be signed by the parties making such division, or by any two thereof, and shall be recorded in the office of the registrar of deed, for the county of King's county ; but in the division so to be made, the two acres of marsh land devised to

Lands belonging to congregation—how divided, &c.

the Presbyterian church of Cornwallis by Elkanah Morton, Esquire, shall form part of the portion to be assigned to the church south of Canard River and that church, and the church north of Canard River shall receive each one acre more than the church of Western Cornwallis, in all other respects the division shall be equal, reference being had to the quality as well as quantity of the land allotted to each.

Title to land—
how vested.

3. The title to the lots assigned to the Free Presbyterian church of Western Cornwallis, and the Free Presbyterian church north of Canard River, shall be vested in, and be under the management of the deacon's court of the respective congregations, which court shall consist of the minister or ministers of the said churches and congregations, the elders or members of the Kirk session, and the deacons thereof, which are hereby constituted bodies, politic and corporate, under the name of the deacon's court of the Free Presbyterian church of Western Cornwallis, and the deacon's court of the Free Presbyterian church, north of Canard River; in which corporations all property, real and personal, belonging to their respective churches and congregations, or to which they may hereafter become entitled, shall vest for the benefit of the said churches and congregations, and the title to the lot assigned to the congregation of the Free Presbyterian church, south of Canard River, including Kentville, Belcher street, Church street, and their vicinities, shall be vested in, and be under the management of three trustees, to be appointed by the said congregations, which trustees shall be appointed in the same manner, and, with respect to the said lands, shall have the same power and authority as the trustees appointed under and by virtue of the acts now in force.

In case one
church should
cease to exist.

4. In case any of the said three churches shall cease to exist, and there shall be no deacon's court thereof, then the lands allotted to such church under this act, shall vest in the deacon's court of the two other churches, share and share alike.

Old Presby-
terian burying
ground—how
held, managed,
&c.

5. The cemetery adjoining the place of worship known as the old Presbyterian church of Cornwallis, and commonly called the Presbyterian burying ground, shall be held by, and be under the management of the last mentioned trustees, who shall in all respects have the same power and authority as the present trustees of this cemetery; but nothing herein shall in any way interfere with or affect the rights of the public to the use of the cemetery.

Right of public
to use the ceme-
tery not affect-
ed.

CHAPTER 69.

An Act to authorize the sale of the Old Presbyterian Church at Gay's River.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Commissioners appointed to sell after due notice.

SECTION.

2. Application of proceeds.

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

1. William Landels, Cameron McDonald, and John McKay are hereby appointed commissioners to sell and convey, in fee simple, the lot of land; situate at Gay's River, in the county of Colchester, on which the old Presbyterian church now stands, together with the buildings thereon; such sale to be by public auction, after at least thirty days public advertisement thereof at Gay's River and its vicinity.

Commissioners appointed to sell after notice.

2. After deducting from the purchase money the charges attending such sale, the balance shall be paid over by the commissioners to such persons as the congregation may appoint to receive the same, to be applied in such manner as the congregation shall direct.

Application of proceeds.

CHAPTER 70.

An Act to enable John Barry to obtain Letters Patent.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. On complying with act may obtain patent for improvements in manufacture of cast steel to same extent as if resident in province. After patent obtained, to be entitled to all rights. &c.

SECTION.

2. Affidavit—before whom made, &c.
3. Patent to cease unless manufacture introduced within 3 years.

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

1. It shall be lawful for John Barry, of New York, in the United States of America, formerly of Shelburne, in the province of Nova Scotia, upon his having complied with the provisions of chapter 120 of the Revised Statutes, to obtain letters patent for his invention of improvements in the manufacture of cast steel, notwithstanding his residing out of this province, to the same extent in every respect as if he had been an inhabitant of this province, and had resided therein for one year previous to such application being made, and after such letters patent are obtained, he shall be entitled to all the rights and privileges by such acts conferred.

On complying with act may obtain patent for improvements in manufacture of cast steel to same extent as if resident in province.

After patent obtained, to be entitled to all rights, &c.

2. The affidavit required by said chapter may be made by John Barry, or his duly authorized agent, before a judge of a

Affidavit—before whom made, &c.

court of record, and certified by a consul or vice consul of her Britannic majesty.

Patent to cease unless manufacture introduced within 3 years.

3. Provided always, that such patent right shall cease, if the said John Barry, or his assigns, do not introduce such improved manufacture into this province within three years after the passing of this act.

CHAPTER 71.

An Act to enable Charles Dickson Archibald and Moses S. Salter to obtain Letters Patent.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. On complying with act, may obtain patent for making wrought iron, direct from ore, to same extent as if resident in province After patent obtained, to be entitled to all rights, &c.

SECTION.

2. Affidavit—before whom made—to refer to patents formerly granted elsewhere. Patent to cease unless manufacture introduced within 3 years.

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

On complying with act, may obtain patent for making wrought iron, direct from ore, to same extent as if resident in province.

1. It shall be lawful for Charles Dickson Archibald, of London, in England, Esquire, and Moses S. Salter, of Newark, in the state of New Jersey, and United States of America, Esquire, upon their having complied with the provisions of chapter 120 of the Revised Statutes, to obtain letters patent for their invention for making wrought or malleable iron direct from the ore, notwithstanding their residing out of this province, to the same extent in every respect as if they had been inhabitants of the province, and had resided therein for one year previous to such application being made; and after such letters patent are obtained, they shall be entitled to all rights and privileges by such act conferred.

After patent obtained, to be entitled to all rights, &c.

Affidavit—before whom made—to refer to patents formerly granted elsewhere.

2. The affidavit required by such chapter may be made by the said Charles Dickson Archibald and Moses S. Salter, or their duly authorised agents, before a judge of a court of record, and shall have reference to the letters patent granted to them in England or the United States of America provided always, that such patent rights shall cease; if the said patentees, or their assigns, do not introduce such manufacture into this province within three years after the passing of this act.

Patent to cease unless manufacture introduced within 3 years.

CHAPTER 72.

An Act to enable Edward Hunt and Henry Davis Pochin to obtain Letters Patent.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. On complying with act, may obtain patent for improvement in treatment of resins, &c., to same extent as if resident in province. After patent obtained, to be entitled to all rights, &c.

SECTION.

2. Affidavit—before whom made—to have reference to patent in England. Patent to cease unless manufacture introduced within 3 years.

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

1. It shall be lawful for Edward Hunt and Henry Davis Pochin, of Salford, in the county of Lancaster, in England, chemists, upon their having complied with the provisions of chapter 120 of the Revised Statutes, to obtain letters patent for their invention of improvements in the treatment and application of resins and resinous substances, notwithstanding their residing out of this province, to the same extent in every respect as if they had been inhabitants of the province, and had resided therein for one year previous to such application being made; and after such letters patent are obtained they shall be entitled to all the rights and privileges by such acts conferred.

On complying with act, may obtain patent for improvement in treatment of resins, &c., to same extent as if resident in province.

After patent obtained, to be entitled to all rights, &c.

2. The affidavit required by such chapter may be made by the said Edward Hunt and Henry Davis Pochin, or their duly authorized agent, before a judge of a court of record, and shall have reference to the letters patent granted to them in England; provided always, that such patent right shall cease if the said Edward Hunt and Henry Davis Pochin, or their assigns, do not introduce such improved manufacture into this province within three years after the passing of this act.

Affidavit—before whom made—to have reference to patent in England.

Patent to cease unless manufacture introduced within 3 years.

CHAPTER 73.

An Act to incorporate the Trustees of the Temperance Hall and School House at Hammond's Plains;

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Incorporation.
2. Land vested in corporation.
3. Bye-laws, &c., and deed declared valid. Other bye-laws—how made.
4. Appointment of trustees in case of vacancy.

SECTION.

5. Trustees may assess upon subscriber for repairs, &c.
6. Public meetings—how called—notice—proceedings at, &c.

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

Incorporation. 1. Wesley Hays, James Melvin, and Samuel Thompson, and their successors in office, are hereby incorporated, by the name of The Trustees of the Temperance Hall and School House at Hammond's Plains.

Land vested in corporation, &c. 2. The lot of land whereon the Temperance Hall and School House are erected, and which was conveyed to the said trustees by Louisa Melvin, by deed, dated the eighteenth day of September, 1857, is hereby vested in the trustees for the purposes in such deed mentioned.

Bye-laws, &c., and deed declared valid. 3. The bye-laws and resolutions passed at a public meeting of the subscribers towards erecting such hall and school, and which have been duly recorded at Halifax, together with the deed of such real estate, are hereby declared valid and binding, and the subscribers, or a majority of them, may make such other bye-laws for the guidance and direction of the trustees as may be in accordance with the terms of such trust.

Other bye-laws—how made.

Appointment of trustees in case of vacancy

4. Whenever a vacancy may occur by the death or resignation of any of the trustees, such vacancy may be supplied by a vote of the majority of the subscribers present at a public meeting to be called by the remaining trustees.

Trustees may assess upon subscribers for repairs, &c.

5. The trustees may assess upon the subscribers to such Temperance Hall and School House, such sum or sums of money as may, from time to time, be required towards furnishing or keeping in repair such building.

Public meetings—how called—notice—proceedings at, &c.

6. The Trustees are empowered to call public meetings of the subscribers as often as may be necessary, due notice having been given for fourteen days previously thereto; and the proceedings of such meetings shall be entered in a book, to be kept for the purpose, and shall be signed by the trustees; and such entries shall be deemed to be evidence of the truth of the matters therein.

CHAPTER 74.

An Act to incorporate the Digby Sea Wall Pier Company.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Incorporation.
2. May erect a pier, &c., upon their own lands, or those of the public. Pier to be free for trading purposes—subject to rates of dockage, fixed with consent of sessions.

SECTION

3. Capital—shares—real estate.
4. Bye-laws to be approved by sessions—recorded.

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

Incorporation.

1. William Sanders, Isaac Cornwell, Weld Cornwell, Edward Burns, Alfred Burns, William Denton, and such other persons as are or hereafter may become shareholders in the company hereby established, their successors and assigns, are created a body corporate by the name of The Digby Sea Wall Pier Company.

2. The Company may erect a public pier or breakwater, with stores and buildings, at Digby, upon any lands owned by the company, or the public, in and about such pier or breakwater, which pier, stores, and buildings, shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the consent of the sessions.

May erect a pier, &c., upon their own lands, or those of the public.

Pier to be free for trading purposes—subject to rates of dockage, fixed with consent of sessions.

3. The capital of the company shall be £2000, to be divided into shares of £2 10 each, and the company may hold real estate not exceeding in value £2000.

Capital—shares—real estate.

4. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions and recorded in the registry of deeds for the county of Digby.

Bye-laws to be approved by sessions—recorded.

CHAPTER 75.

An Act to incorporate the Laurel Hill Cemetery Company at Pictou.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

- 1. Incorporation. Real estate.
- 2. Old burying ground vested in corporation. Saving present rights.
- 3. Rules—how made. Purchase of addi-

SECTION.

tional property. Appointment of officers. Members to be assessed for funds to protect ground, &c. Assessments—how collected.

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

1. A. J. Patterson, John Crerar, Peter Brown, William Gordon, James Hislop, John Adam Dawson, Robert Harper, and such other persons as now are or hereafter shall become proprietors of lots in the old burial ground, in the neighborhood of the town of Pictou, their successors and assigns, are created a body corporate, by the name of "Laurel Hill Cemetery," and may take, purchase, and hold real and personal estate, and improve, use, and sell the same; but they shall not hold at any one time real estate to a greater amount than five hundred pounds.

Incorporation.

Real estate.

2. The lot of land at present known as the old burying ground, to the north of the town of Pictou, and bounded on the south and north by land of Robert Dawson, on the east by the main road leading to Carriboo, and on the west by a lane or street, is hereby vested in such corporation, saving to all parties interested in such real estate their present legal rights.

Old burying ground vested in corporation.

Saving present rights.

3. The members of the corporation shall have power to make such rules and regulations for the management and care of property, and for the purchase of additional property as to a majority of the members of such corporation present at a public meeting of the members of the same may appear expedient and necessary, and shall appoint such officers as they may think proper, for the management of the affairs of the corporation; and the members shall be assessed rateably in

Rules—how made.

Purchase of additional property.

Appointment of officers. Members to be assessed rateably for funds

to protect
ground, &c.

Assessments—
how collected.

proportion to the number of lots owned by them towards any monies necessary to be raised for the protection or improvement of the property, which assessment shall be recovered by the person appointed by the corporation to receive the same in his own name as if it were a private debt.

CHAPTER 76.

An Act to incorporate the Chipman Brook Pier Company.

(Passed the 30th day of March, A. D. 1859.)

SECTION.

1. Incorporation.
2. May erect a pier, &c., upon their own lands, or those of the public. To be free for trading purposes, subject to rates of dockage, &c., fixed with consent of sessions.

SECTION.

3. Capital shares. Real estate.
4. Bye-laws to be approved by sessions and recorded.

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

Incorporation.

1. Robert Foot, the younger, William Foot, William H. Woodward, David E. Ross, Enoch Arnold, John Clark, William H. Lovett, John McMullen, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, are created a body corporate, by the name of the Chipman Brook Pier Company.

May erect pier,
&c., upon their
own lands, or
those of the
public.

2. The company may erect a public pier or breakwater, with stores and buildings at Chipman's Brook, Cornwallis, in Kings county, upon any land owned by the company or the public in and about such pier or breakwater, which pier, stores, and buildings, shall be open and free for the use of all ships and vessels and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company with the consent of the sessions.

To be free for
trading pur-
poses, subject
to rates of dock-
age, fixed with
consent of ses-
sions.

3. The capital of the company shall not exceed two thousand pounds, to be divided into shares of two pounds and ten shillings each, and the company may hold real estate not exceeding in value two thousand pounds.

Capital—
shares—real
estate.

4. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions, and recorded in the registry of deeds for Kings county.

Bye-laws to be
approved by
sessions and
recorded.

CHAPTER 77.

An Act to incorporate "The Protestant Orphans' Home."

(Passed the 15th day of April, A. D. 1859.)

SECTION 1.—Incorporation.

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

1. The Honorable William Young, William Murdoch, Edward Binney, and Mather Byles Almon, and such other persons as now are or hereafter shall become members of the institution hereby incorporated, and their successors, are created a body corporate, by the name of The Protestant Orphans' Home.

Incorporation.

CHAPTER 78.

An Act to alter and amend the Act to incorporate the Trustees of St. Matthew's Church in Halifax.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Trustees may sell, mortgage, or lease.
2. Deed under amended act, and under

SECTION.

- chap 55 acts 1857, declared valid.
3. Chap. 55 acts 1857 repealed.

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

1. The trustees of St. Matthew's church, in Halifax, are hereby authorised and empowered, from time to time, in their corporate capacity, to sell, mortgage, or lease any lands, tenements, or hereditaments, now or hereafter to be held by them for the benefit of the congregation of such church, and to execute and deliver all deeds or other instruments necessary for such purposes.

Trustees may sell, mortgage, or lease.

2. All deeds or other instruments heretofore executed under the act hereby amended, or under chapter 55 of the acts of 1857, are declared to be valid and binding.

Deeds under amended act and under chap. 55 acts 1857 declared valid. Chap. 55 acts 1857 repealed.

3. Chapter 55 of the acts of 1857 is repealed.

CHAPTER 79.

An Act to incorporate the Digby Union Wharf Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. May erect pier upon their lands or those of public. Pier to be free for trading purposes, subject to rates

SECTION.

- fixed by company, with consent of sessions.
3. Capital—shares—Real Estate.
4. Bye-laws to be approved and recorded.

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

1. John Abbott, Nathan Seely, Freeman Terfry, William B. Bent, Stephen Young, William John, Jacob Grafton, Woodruff Dunbar, James Adams, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, are hereby created a body corporate, by the name of the Digby Union Wharf Company.

Incorporation.

2. The company may erect a public wharf or pier, with stores and buildings, at Saint Mary's Bay, in the county of Digby, upon any land owned by the company or the public in and about such wharf, and such wharf, stores, and buildings,

May erect pier upon their lands or those of public.

Pier to be free for trading purposes, subject to rates fixed by company, with consent of sessions.

Capital—shares—Real estate.

Bye-laws to be approved and recorded.

shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company with the consent of the sessions of the county of Digby.

3. The capital of the company shall not exceed two thousand pounds, to be divided into shares of two pounds and ten shillings each, and the company may hold real estate not exceeding in value two thousand pounds.

4. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions, and recorded in the registry of deeds for the county of Digby.

CHAPTER 80.

An Act to incorporate the Little River Wharf Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- 1. Incorporation.
- 2. May erect pier, &c., upon their land or those of public. Pier to be free for trading purposes, subject to rates fixed by company, with consent of sessions.

SECTION.

- 3. Capital—shares—Real estate.
- 4. Bye-laws to be approved and recorded.

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

Incorporation.

1. Hugh McDonald, Daniel Fraser, John McMillan, William Graham, Christopher McDonald, Elisha M. Randall, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, are created a body corporate, by the name of the Little River Wharf Company.

May erect pier, &c., upon their land or those of public.

2. The company may erect a public pier or breakwater, with stores and buildings, at Little River, in the County of Sydney, upon any land owned by the company or the public in and about such pier or breakwater, which pier, stores and buildings, shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the sanction of the sessions.

Pier, &c., to be free for trading purposes, subject to rates fixed by company, with consent of sessions.

Capital—shares—Real estate.

3. The capital of the company shall be two thousand pounds, to be divided into shares of two pounds and ten shillings each, and the company may hold real estate not exceeding in value two thousand pounds.

Bye-laws to be approved and recorded.

4. The bye-laws of the company shall not come into operation until they shall have been approved of by the sessions, and recorded in the registry of deeds for the county of Sydney.

5. The company are authorised to draw from the treasury May draw £100. and expend upon the work the sum of one hundred pounds, granted for that purpose in the year 1856, and undrawn.

CHAPTER 81.

An Act to revive the Act to incorporate the Pictou Cemetery Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION 1.—Chap. 81 acts 1855 revived, and acts in pursuance legalized.

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

1. Chapter eighty-one of the acts of 1855, entitled, "An Act to incorporate the Pictou Cemetery Company," is revived; and all acts heretofore done by the corporation, in pursuance of such act, are legalized. Chap. 81 acts 1855 revived, and acts in pursuance legalized.

CHAPTER 82.

An Act to incorporate the Trustees of Wolfville Division of the Order of Sons of Temperance.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Property vested in trustees. May hold real and personal estate not exceeding £1000.

SECTION.

3. Trustees may mortgage and sell.
4. Private rights not affected.

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

1. John Rounsefell, Stephen W. Deblois, and George V. Rand, and their successors in office, to be elected according to the rules of the division, are hereby created a body corporate, by the name of the Trustees of Wolfville Division, Number 112, of the Order of Sons of Temperance. Incorporated.

2. All the real and personal estate in which the division is now or may at any future time be interested, is hereby vested in the trustees, for the use and benefit of said division; and the trustees shall have power by a two-third vote of the members of the division, at a meeting duly convened after fourteen days notice of the same, to purchase, take, and hold real and personal estate for such use, not to exceed in value one thousand pounds. Property vested in trustees.

3. The trustees shall have power, upon a vote of two-thirds of the members of the division, at a meeting duly convened, after fourteen days notice of the same, to raise funds by mortgage, lease, loan, or otherwise, for the use of the division, and also to sell any part of said property held by them for such use. May hold real and personal estate not exceeding £1000.

Trustees may mortgage and sell.

Private rights
not affected.

4. Nothing herein contained shall be construed to affect private rights other than as herein expressed.

CHAPTER 83.

An Act to incorporate the Halifax Cricket Club.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Real estate.

SECTION.

3. Rules legalized.
4. May invest its funds.

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

Incorporation.

1. Fitzgerald Cochran, James McNab, and W. Myers Gray, president, vice president, and secretary of the Halifax Cricket Club, and their successors in office, for the time being, are hereby created a body politic and corporate, by the name of the Halifax Cricket Club.

Real estate.

2. The corporation shall not at any time hold real estate of greater value than two thousand pounds.

Rules legalized.

3. The rules of the society adopted on the third day of May, 1858, are hereby declared legal and binding.

May invest its
funds, &c.

4. The personal property, debts, and effects now belonging to the club are vested in the corporation, and the corporation is empowered to invest its funds to such extent and in such way as it shall think fit.

CHAPTER 84.

An Act to amend the Act to incorporate the Nova Scotia Electric Telegraph Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Local director—election of.
2. If holding 5 shares eligible for executive committee.
3. Executive committee—election of, &c.

SECTION.

4. Local directors may vote by proxy or telegraph.
5. Secs. 9, 18, 20, and 24 act 14 vic. cap. 17 repealed.

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

Local directors
—election of.

1. The shareholders in the several county offices, where not less than ten shares of stock are held, shall have power to elect a local director, and such local director shall have the right to vote for the election of the executive committee.

If holding 5
shares eligible
for executive
committee.

2. Every local director, being the holder of five shares in the company's stock, shall be eligible for election as a member of the executive committee.

Executive com-
mittee—elec-
tion of, &c.

3. The executive committee shall hereafter consist of nine members, to be elected by the directors from among themselves, of whom five only shall be resident in the city of Halifax.

4. Local directors may vote for the election of the executive committee and officers of the company, either by proxy or by telegraphic message over the wires.

Local directors may vote by proxy or telegraph.

5. Sections 9, 18, 20, and 24, of the act 14 Victoria, chapter 17, entitled, "An Act to incorporate the Nova Scotia Electric Telegraph Company, are hereby repealed.

Secs. 9, 18, 20 & 24 act 14 vic. cap. 17 repealed

CHAPTER 85.

An Act to incorporate the Digby Fishing Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Capital—shares. When to go into operation.
3. Real estate.

SECTION.

4. Liability of members.
5. Bye-laws and list of shareholders to be recorded.

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

1. Daniel Ansley, Charles Budd, John Chute, John Dakin, William Burnham, William Smyth, and such other persons as may become shareholders in the company hereby established, their successors and assigns, are created a body corporate, by the name of the "Digby Fishing Company," for the prosecuting of the fisheries from the port of Digby. Incorporation.

2. The capital stock of the company shall be one thousand pounds, to be divided into shares of five pounds each, but may be increased from time to time to five thousand pounds, and the company may go into operation when one hundred shares are subscribed, and the amount thereof actually paid in. Capital—Shares.
When to go into operation.

3. The company may hold real estate not exceeding in value one thousand pounds. Real estate.

4. No member of the company shall be liable in his person or separate estate for a greater amount in the whole than double the amount of stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company. Liability of members.

5. The bye-laws and list of shareholders shall be recorded in the registry of deeds for the county of Digby. Bye-laws and list of shareholders to be recorded.

CHAPTER 86.

An Act to incorporate Keith Lodge of Freemasons at Hillsburg.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Real estate—may mortgage, lease, and sell.

SECTION.

3. May collect arrears.

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

Incorporation.

1. Henry Blakslee, William F. Marshall, Gorge Nicholl, John Rice, Israel Chute, Stepen B. Hennigar, John V. Purdy, and their associates, master masons, and members of Keith Lodge, No. 911, on the registry of the grand lodge of England, and such other persons as shall be members of the lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of Keith Lodge of Freemasons, Hillsburg.

Real estate—
may mortgage,
lease, and sell.

2. The corporation may take, hold, and enjoy, real estate to the value of £1000, and may mortgage, sell, lease, or otherwise dispose of the same as may be deemed expedient.

May collect ar-
rears.

3. The corporation may collect all arrears due to them under the present bye-laws of the lodge.

CHAPTER 87.

An Act to incorporate Unity Lodge of Freemasons, at Lunenburg.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Real estate—may mortgage, lease, and sell.

SECTION.

3. May collect arrears.

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

Incorporation.

1. William M. B. Lawson, James Dowling, Robert Lindsay, John Blair, Edward H. Solomon, J. P. Lawson, W. N. Zwicker, and their associates, master masons and members of Unity Lodge, No. 565, on the registry of the Grand Lodge of England, and such other persons as shall be members of the lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of Unity Lodge of Freemasons, Lunenburg.

Real estate—
may mortgage,
lease, and sell.

2. The corporation may take, hold, and enjoy, real estate not exceeding in value one thousand pounds, and may mortgage, sell, lease, and otherwise dispose of the same as may be deemed expedient.

May collect ar-
rears.

3. The corporation may collect all arrears due to them under the present bye-laws of the lodge.

CHAPTER 88.

An Act to incorporate the North Spring Hill Coal Mining Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation. Purposes.
2. Capital. Shares. May take lands, mines, &c. in payment of instalments.
3. When to go into operation.
4. Operation—act to cease unless 1000 shares subscribed and £3000 paid, and certificate thereof filed with Prov. Sec'y within 3 years

SECTION.

5. First meeting—when held, &c. Proceedings at, &c.
6. Liability of members.
7. Must have office and agent at Amherst, upon whom all process, &c. to be served.
8. Cap. 27 rev. stat. and cap. 23 acts 1854, and acts of present session in amendment to extend to this company, &c.

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

1. George Hibbard, James Hickman, Thomas Blenkhorn, and Christopher Milner, their associates, successors, and assigns, shall be and they are hereby created into a company, and declared to be a body politic and corporate, by the name of "The North Spring Hill Coal Mining Company," for the purpose of opening and working mines in the county of Cumberland, and transacting business connected therewith, and building mills and manufacturing coal oils, and lubricating, and other substances from coal, and trading in them; and constructing and making such railroads and other description of roads as may be deemed necessary for the transportation of the product of such mines, and other articles from the mines to the place of shipment.

2. The capital stock of the corporation shall be thirty thousand pounds currency, with liberty to increase the same to the sum of fifty thousand pounds, to be divided into shares of ten pounds each, to be paid in at such times and by such instalments as the business of the said company shall require. And it shall be lawful for the said corporation to take lands, mines, buildings, wharves, machinery, mining rights, or privileges, in payment of any instalment or instalments due on any stock subscribed therein, at such valuation as a majority of all the subscribers shall fix. Such payment to become void if satisfactory titles or conveyances to the corporation be not made at such period as the said corporation may by any by-laws or vote direct after its organization.

3. As soon as one thousand shares shall be subscribed for, and three thousand pounds shall be paid in, the company shall go into operation.

4. Unless one thousand shares shall be subscribed for, and three thousand pounds paid in, for the purposes of the corporation, and a certificate of such payment signed and verified on oath by the directors, or a majority of them (which oath

Incorporation.

Purposes.

Capital.

Shares.

May take lands, mines, &c. in payment of instalments.

When to go into operation.

Operation—act to cease unless 1000 shares subscribed and £3000 paid, and certificate

thereof filed
with Prov. Sec.
within 3 years.

any justice of the peace is hereby authorized to administer), and be filed in the office of the secretary of the province before the expiration of three years after the passing of this act, the operation of this act shall cease, and the existence of the corporation shall be terminated at the expiration of the three years.

First meeting—
when held, &c.
Proceedings at,
&c.

5. The first meeting of the corporation shall be held at Amherst, in the county of Cumberland, and shall be called by George Hibbard, or in case of his death, neglect, or refusal, by any two of the said company, by giving notice in the "Borderer," printed at Sackville, in the county of Westmoreland, in the province of New Brunswick, or the "Royal Gazette" in this province, at least twenty days previous to such meeting, in order to organize the company, and for the purpose of establishing bye-laws and choosing such number of directors as by the said bye-laws may be prescribed, which directors so chosen shall continue in office until the first annual meeting, or until reëlection, or others are chosen in their stead; and the members of the company, or shareholders present, or appearing by proxy, shall organize the company, establish bye-laws, and choose directors by a majority of votes.

Liability of
members.

6. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Must have of-
fice and agent
at Amherst,
upon whom all
process, &c. to
be served.

7. The corporation shall keep an office in Amherst, in the county of Cumberland, and an agent there, for the transaction of business connected with the corporation, service upon whom of all process, notices, or other documents, shall be deemed a sufficient service upon the corporation.

Cap 27 rev. stat.
and cap 23 acts
1854, and acts
of present ses-
sion in amend-
ment to extend
to this com-
pany, &c.

8. Chapter 27 of the Revised Statutes, "Of the Coal Mines," and chapter 23 of the acts of 1854, and also the act passed during the present session, severally in amendment thereof, shall extend to the company hereby incorporated, and such company may adopt the proceedings therein provided for laying off lands and for the other purposes in such acts mentioned, and shall be subject to the obligations imposed on parties taking the benefit of the provisions of such acts.

CHAPTER 89.

An Act for the relief of, and in further amendment of the Act to incorporate the Inland Navigation Company.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Term limited in deed to company for Rec'r. Gen'l. extended.
2. Loan to company by government and interest remitted.
3. Directors may borrow to finish work and pay debts, &c. Mortgage, &c. to be valid notwithstanding deed from Rec'r. Gen., incorporation act,

SECTION.

- and acts in amendment thereof. Provided no stockholder be liable for loan further that the amount of his stock.
4. Directors may sell lands.
 5. President and directors to give bonds to expend loan, first in finishing works, and then to pay debts.

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

1. The period of five years limited in and by the deed, dated the tenth day of June, in the year of our Lord one thousand eight hundred and fifty-four, from the Honorable James McNab, the then Receiver General of the Province of Nova Scotia, to the above named company, of the lands, lands covered with water, locks, and other appurtenances, formerly belonging to the Shubenacadie canal company, for the completion of the canal or inland water communication, for the passage of boats or vessels to and from the Basin of Minas and the harbor of Halifax, respectively, is extended to the further period of three years, to be computed from the tenth day of June, which will be in this present year of our Lord one thousand eight hundred and fifty-nine.

Term limited in deed to comp'y. for Recr. Gen'l. extended.

2. The sum of five thousand pounds, heretofore loaned by the honorable provincial government to the above company, and all interest since accrued thereupon, is remitted to such company, and such company, and the directors thereof, and all the property and works of such company, are released from all charge or liability for, or in respect of, such sum and every part thereof, and all interest, as aforesaid.

Loan to comp'y by government and interest remitted.

3. The board of directors of the Inland Navigation Company is authorized to borrow all and every such sum or sums of money as they may deem necessary, for finishing such canal or inland water communication into the harbor of Halifax, or which they, at any time or times hereafter, may require for finishing and completing the same, and all works and improvements, as aforesaid, which they may think necessary therefor, and also for the purpose of paying and discharging all legal and just outstanding claims and debts against the company, either by way of mortgage or preferential stock secured upon the company's property and works, and at and upon such rate of interest as they may be enabled to obtain the same,

Directors may borrow to finish work and pay debts, &c.

Mortgage, &c. to be valid notwithstanding deed from Rec. Gen'r. incorp. act, and acts in amendment thereof.

Provided no stockholder be liable for loan further than the amount of his stock.

Directors may sell lands not required for canal.

President and directors to give bonds to expend loan, first in finishing works, and then to pay debts.

and that all and every deed, conveyance, or mortgage made and executed by the directors of such company of the property and works of the company, for securing the payment of all and every such sum or sums of money so to be borrowed in the terms of this act, shall be a good, legal, and valid charge and lien upon such property and works, binding the same, and every part thereof, from the time such deed, conveyance, or mortgage is given, any clause, matter, or thing in the said deed from the honorable James McNab to such company, or in the act incorporating such company, or in the several acts thereafter passed altering, amending, or in relation thereto, to the contrary notwithstanding. Provided, however, that no stockholder of such company, or subscriber to such preferential stock, shall be liable for or in respect of such sum or sums of money so borrowed under the terms of this act, or interest to accrue thereupon, for any further or greater or other sum than the actual amount or sum so taken or subscribed in and to such stock by such stockholder or subscriber, respectively, notwithstanding any act, clause, matter, or thing, contrary thereto contained in the act incorporating such Inland Navigation Company or the several acts thereafter passed altering, amending, or in relation to such act.

4. The directors of such company shall, at any time, and at all times hereafter, be at liberty to sell and dispose of all or any part of the lands and property contained in the before-mentioned deed, which they may deem not actually required for the due and convenient working of such canal or inland water communication, anything contained in the before-mentioned deed, in such act of incorporation, and the several acts heretofore mentioned altering, amending, or in relation thereto, to the contrary notwithstanding.

5. The president and any one or more of the directors shall make and execute a bond to the Receiver General of the province, or to such person or persons as her Majesty's provincial government shall appoint, binding themselves in a sum equal to that raised by them by any of the means aforesaid, to expend all and every such sum in the first instance towards the finishing and completion of the works as aforesaid to the waters of Halifax harbor, and then to the payment of the outstanding debts of the company now or hereafter to be incurred.

CHAPTER 90.

An Act to incorporate the Bank of Yarmouth, Nova Scotia.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

1. Incorporation.
2. Management.
3. Capital. Shares. Instalments on shares—when to be paid. &c.
4. Real estate. May hold judgments, mortgages, &c. as collateral security. Not to lend money on landed security. bank stock, unless as additional security for debts
5. When £12500 paid in general meeting may be held Proceedings at.
6. Two directors to go out annually, but are eligible for re-election.
7. General annual meeting. Proceedings at.
8. Directors—powers and authorities of. Salaries and contingencies—how paid.
9. Business—by whom transacted. In case of absence, &c. of president. Casting vote.
10. Qualification of directors. In case directors become disqualified while in office.
11. Cashier and clerks to give bonds.
12. Votes.
13. By proxy.
14. President—vacancy in office of.
15. Business—when to be commenced, &c.
16. Shares—transfer of, &c.
17. Dealings of corporation.

SECTION.

18. Joint stock alone liable for debts of corporation.
19. When act expires, shareholders liable in proportion to their shares.
20. Notes, &c.—form of,
21. Issue of notes—limitation of. In case of excess directors liable.
22. Dividend—when to be made.
23. Books, &c. open to inspection of directors.
24. Notes—how signed, printed, &c.
25. Act to determine on excess of issue of notes.
26. Refusal to pay in gold or silver—penalty for.
27. Liable to bona fide holder of counterfeit notes.
28. Bank—where to be kept.
29. Returns of state of bank—when to be made—form of, &c.
30. If capital be diminished, one half corporation to be dissolved.
31. General meeting—how called, &c.
32. Dissolution—proceedings on.
33. Official mismanagement, stockholders liable for.
34. Person nominated by Governor, &c. may have access to books, &c. Proviso.
35. Chap. 83 rev. stat. not affected.
36. Continuation.

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

1. Samuel Killam, John W. Lovitt, W. H. Townsend, Andrew Lovitt, John Flint, Amasa Durkee, Lyman Cann, George S. Brown, John K. Ryerson, and James C. Farish, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, shall be a body corporate, by the name of "The Bank of Yarmouth, Nova Scotia," for the purpose of carrying on the business of banking.

Incorporation.

2. The business of the company shall be under the management of a president and four directors, and such other officers as may be found necessary.

Management.

3. The capital of the company shall consist of fifty thousand pounds, (with power to increase the same to seventy-five thousand pounds, if deemed necessary, by a vote of the stockholders,) which shall be divided into two thousand shares of

Capital.

Shares.

Instalments on shares—when to be paid, &c.

twenty-five pounds each; and twenty-five per cent. of the stock, which shall be subscribed for, shall be paid on or before the first day of October next, and a further instalment of twelve and a half per cent. shall be paid on or before the first day of April thereafter, and a further instalment shall be paid on or before the first day of October, A. D. one thousand eight hundred and sixty, as the directors shall appoint, and the remaining instalments shall from time to time be paid at such time or times, and in such manner as shall be determined by the vote of the stockholders at a special meeting to be called for that purpose; but no instalment shall in any case be called in unless thirty days previous notice shall have been first given in one or more of the newspapers published at Yarmouth, and also in one of the newspapers published in Halifax, of the time and place appointed for the payment of instalments.

Real estate.

May hold judgments, mortgages, &c. as collateral security.

Not to lend money on landed security, bank stock, unless as additional security for debts.

When £12500 paid in, general meeting may be held. Proceedings at.

4. The corporation shall have full power to hold, possess, and enjoy lands, tenements, and real estates, to any amount not exceeding ten thousand pounds, and nothing herein contained shall prevent or restrain the corporation from taking or holding real estate to any amount whatsoever, under judgment or by mortgage recovered, or taken as collateral security for the payment of any sum or sums of money advanced by or for debts due to the corporation; but the said corporation shall on no account lend money upon mortgage upon lands, or other fixed property, nor upon the security of any stock in the bank, unless by way of additional security for debts contracted with the corporation, in the course of its dealing.

5. After the passing of this act, whenever twelve thousand five hundred pounds of the said capital stock shall have been paid in, before which no one shall have a right to vote for any purpose, a general meeting of the members and stockholders of the corporation, or the major part of them, shall take place, by notice in one or more of the public newspapers ten days previous to such meeting, for the purpose of organizing the said bank, and of making, ordaining, and establishing such bye-laws, ordinances, and regulations, for the good management of the affairs of the said corporation as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing five directors, being stockholders and members of the corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which directors, so chosen, shall choose out of their numbers a president, and they shall have full power and authority to manage the concerns of the corporation, and shall commence the operations of the said bank, subject, nevertheless, to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said corporation, or the major part of

them present, shall determine the mode of transferring and disposing of the stock and profits thereof, which, being entered on the books of the corporation, shall be binding upon the stockholders, their successors and assigns, until altered at any other general meeting of the stockholders.

6. Two of the directors shall annually go out of office in rotation, but the directors so going out of office shall be eligible for reëlection.

Two directors to go out annually, but are eligible for re-election.

7. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Wednesday of March in each year at Yarmouth, at which annual meeting all vacancies in the board of directors shall be filled up; and after the election of directors in place of those who shall have gone out of office by rotation or otherwise, the directors shall annually choose one out of their number as president for the ensuing year, or until another is chosen in his room. In the choice of directors the stockholders shall vote according to the rule hereinafter mentioned.

General annual meeting.
Proceedings at.

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

Directors—powers and authorities of.

9. The business of the corporation shall be transacted by such number of the directors as shall be determined on by the stockholders and specified in the bye-laws, of whom the President shall always be one; but in case of sickness or necessary temporary absence, the directors present may choose one of their board as chairman in his stead; the president or such chairman may vote at the board as a director, and in case of there being an equal number of votes for and against any question before them, the president or chairman shall also have a casting vote.

Salaries and contingencies—how paid.

Business—by whom transacted.

In case of absence, &c. of president.

Casting vote.

10. No person shall be eligible for, or continue to be, a director, unless such person is a stockholder, and holding and owning not less than twenty shares of the capital stock of said corporation, upon whose shares all instalments called in shall have been fully paid, and no person shall be eligible for, or continue to be, a director of the corporation who is a director or co-partner in trade of a director of any other bank whatsoever. And if any director of the said corporation shall, while he is in office, cease to hold twenty shares in the said stock, or shall become a director or co-partner in trade of a director in any other bank whatsoever, such director of the said corporation shall forthwith go out of office and cease to

Qualification of directors.

In case directors become disqualified when in office, &c.

be a director, another director shall be chosen in his stead, as hereinafter directed.

Cashier and
clerks to give
bonds.

11. Every cashier and clerk of the corporation, before he enters upon the duties of his office, shall give bonds with two or more sureties, to be approved by the said directors, that is to say: every cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour; and every clerk with the like condition and sureties in such sum as the directors shall deem adequate to the trust reposed in him.

Votes.

12. The number of votes which each stockholder shall be entitled to on every occasion when, in conformity with the provisions of this act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share and less than five, one vote; for five shares and less than ten shares, two votes; for ten shares and less than twenty, three votes; for twenty shares and less than thirty, five votes; for thirty shares and less than forty, six votes; and for forty shares and all shares above that number, eight votes, which shall be the greatest that any stockholder shall be entitled to have.

By proxy.

13. All stockholders resident within this province, or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient written authority from his constituent or constituents so to act, provided also that no person shall hold more than three proxies.

President—va-
cancy in office
of.

14. The directors may fill up any vacancy that may be occasioned in the office of president or in the board of directors, by the death, removal, resignation, or absence from the province for three months, or any incapacity of the president or any of their members, and the person so chosen by the directors shall serve until the next succeeding annual meeting of the stockholders.

Business—when
to be commenc-
ed, &c.

15. As soon as the sum of twelve thousand five hundred pounds shall have been actually paid in on account of the subscriptions to the stock, notice thereof shall be given in one or more of the newspapers published at Yarmouth, and in one newspaper published in Halifax; and the directors may commence the operations and business of the bank; but no bank bills or bank notes shall be issued or put in circulation, nor any bill or note discounted at the bank until the sum of twelve thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock.

Shares—trans-
fer of, &c.

16. The shares or capital stock shall be assignable or transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, nor until the person or persons so making the same shall previously discharge all debts actually due and

payable to the corporation ; and such stock shall be a pledge for any debt that may become due by the holder thereof to the bank, and be disposed of as other stock pledged to the bank, and in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable. And whenever any stockholder shall transfer in the manner aforesaid all his stock or shares in the bank, or the same shall be transferred by act of law to any person or persons whomsoever, such stockholder shall cease to be a member of the corporation.

17. The corporation may conduct the business of banking in all its branches, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory notes, gold or silver coin, or bullion, and in other the current monies of this province, or in the sale of goods and stock really and truly pledged for money lent but not redeemed, which goods and stock so pledged shall be sold by the corporation at public sale at any time not less than thirty days after the period for redemption ; and if, upon such sale of goods or stock, there shall be a surplus after deducting the money lent and interest, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Dealings of corporation, &c.

18. The joint stock or property of the corporation shall alone be responsible for the debts and engagements of the corporation, and no person or persons who shall or may have dealings with the corporation shall, on any pretence whatever, have recourse against the separate property of any present or future member of the corporation, or against their persons, except in the cases specified in this act, further than may be necessary to secure the faithful application of the funds of the corporation.

Joint stock alone liable for debts of corporation.

19. The holders of shares or stock in the corporation, when this act shall expire or be repealed, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bonds, bills, notes, which may have been issued by the corporation and which may then remain unpaid, but only according to, and in proportion to, the share and interest which they may, respectively, hold in the capital stock of the corporation at the time of such expiration or repeal.

When act expires, shareholders liable in proportion to their shares.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the corporation may be charged or held liable for the payment of money, shall, especially declare in such form as the board of directors shall prescribe, that payment shall be made out of the joint fund of the corporation.

Notes, &c.—form of.

21. The total amount of the debts which the corporation shall at any time owe, whether by bill, bond, or note, or other contract whatsoever, exclusive of the sum due on account of

Issue of notes—limitation of.

In case of excess directors liable.

deposits, shall not exceed treble the amount of the capital stock actually paid in by the stockholders, nor shall there be due to the corporation at any one time more than treble the amount of the capital stock actually paid in by the stockholders, and, in case of any excess, the directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the corporation, shall also be liable for such excess.

Dividend—when to be made.

22. The directors shall make half-yearly dividends of all the profits, rents, premiums, and interest, of the corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice in one or more of the newspapers published at Yarmouth, and in one of the newspapers published at Halifax; but the directors shall not be compelled to make or declare any dividend at an earlier period than one year from and after the passing of this act, unless they shall think it expedient to make and declare a dividend at an earlier period.

Books, &c. open to inspection of directors.

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

Notes—how signed, printed, &c.

24. All the bills or notes issued by the said corporation shall be signed by the president for the time being and countersigned and attested by the cashier, and shall be printed and made in stereotype plates, and all bills or notes so signed and countersigned shall be binding on the corporation, although not under their seal, which bills or notes shall be payable by the corporation in gold or silver on demand.

Act to determine on excess of issue of notes

25. If the total amount of all the notes of the bank issued and in circulation, shall, at any one time, exceed the amount fixed and determined by the act of incorporation of the bank, such act of incorporation shall cease and determine from the time when such excessive issue shall have accrued.

Refusal to pay in gold or silver—penalty for.

26. In case the officers of the corporation shall, in the usual banking hours at the bank, refuse or delay payment in gold or silver of any note or bill of the corporation then presented for payment, the corporation shall be subject to pay on the amount of such note or bill to the holder thereof twelve per cent. interest per annum from the day of such refusal to the time of payment.

Liable to bona fide holding counterfeit notes.

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

Bank—where to be kept.

28. The bank shall be kept and established at Yarmouth, or at such other place as the board of directors may think it

necessary to remove the bank to, on account of any emergency for the security thereof.

29. The cashier of the bank shall, twice in every year, that is to say, on the thirty-first day of January and the thirty-first day of July, make a return of the state of such bank as it existed at the closing of the books on those days, respectively, and he shall transmit the same as soon as may be, not exceeding fifteen days thereafter, to the provincial secretary, for the purpose of being laid before the legislature at its next session, which returns, respectively, shall specify the amount then due from the bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the bank, designating in distinct columns the several particulars included therein; and the said returns shall be in substance as follows:

Returns of
state of bank—
when to be
made—form of,
&c.

*State of the Bank of Yarmouth, Nova Scotia, on the 31st day
of ———, A. D. 18 .*

DUE FROM THE BANK.

Capital Stock.	£
Bills in circulation.	
Net profits on hand.	
Balances due to the other banks.	
Cash deposited, including all sums whatsoever due from the bank not bearing interest, its bills in circulation, profits and balances due to other banks excepted.	
Cash deposited bearing interest.	
Total amount due from the bank.	

BALANCES OF THE BANK.

Gold, silver and other coined metals in its banking house.
Real estate.
Bills of other banks incorporated in this province.
Bills of all other banks.
Balances due from other banks.
Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, excepting the balances due from other banks.

Total amount of the resources of the bank.			
Rate and amount of last dividend.			
Amount of reserved profits at the time of declaring last dividend.			
Amount of debts due to the bank secured by a pledge of stock.			
Amount of debts due and not paid and considered doubtful.			

To be signed and attested to by cashier and certified by director.

Which returns shall be signed by the cashier of such bank, who shall make oath before some justice of the peace to the truth of every such return, according to the best of his knowledge and belief; and one of the directors of such bank shall certify and make oath that the books of the bank indicate the state of the facts so returned by the cashier, and that he has full confidence in the truth of such return; and no further or other returns shall hereafter be required from the bank, copies of which statements shall be laid before the stockholders at the general annual meeting of the corporation.

If capital be diminished, one half corporation to be dissolved.

30. If upon the exhibition of the yearly accounts of the debts to and from the corporation, and the property and effects thereof, it shall appear to the satisfaction of the legislature in this province, if then in session, or to the Governor in Council, if this legislature be not in session, that the paid up capital of the corporation has been diminished by losses and bad debts to one half of the amount of the capital, or sum so paid up, that then the said corporation shall be dissolved, if the legislature be in session, by an act of the legislature of this province, or if the legislature be not in session, by proclamation, to be forthwith issued by the Governor in Council for that purpose.

General meeting—how called, &c.

31. Any number of the stockholders, not less than twenty, who together shall be proprietors of two hundred and fifty shares, shall have power at any time by themselves, or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the corporation, giving at least thirty days previous notice, in one or more of the newspapers published at Yarmouth, and also in one of the newspapers published in Halifax, specifying in such notice the time and place of such meeting, with the objects thereof; and the directors, or any three of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

Dissolution—proceedings on.

32. On any dissolution of the corporation, immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; provi-

ded always, that notwithstanding such dissolution, it shall and may be lawful to use the corporate style, name, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of the estate, real and personal, and mixed, thereto belonging, but not for any purpose or any other manner whatsoever, nor for a period exceeding four years after such dissolution; and the directors in office, at the happening thereof, shall, during those four years, if necessary, continue in office, and shall be charged with and shall take effectual measures for closing the concerns of the corporation, and dividing the remaining capital and profits among the stockholders, according to their respective interests therein.

33. In case any loss or deficiency of the capital stock of the corporation shall occur from the official mismanagement of the bank directors, the stockholders, at the time of such mismanagement, shall, in their private and individual capacities, be, respectively, liable to pay the same, provided that in no case shall any one stockholder be liable to pay a sum exceeding in amount the stock actually then held by him, in addition to the stock so held by him.

Official mismanagement—stockholders liable for.

34. Any person nominated by the Governor in Council, or any joint committee appointed by the legislature for that purpose, shall, at any time, have free access to the books and vaults of the corporation, for the purpose of examining into the proceedings of such corporation, provided no person shall have such access who is a stockholder or director of any other bank, and also provided such person or committee shall not be authorised to inspect or investigate the account of any individual with such corporation, and that no member of such corporation shall be on such committee.

Person nominated by Governor, &c. may have access to books, &c.

Proviso.

35. Nothing in this act contained shall affect the operation of chapter 83 of the Revised Statutes, "Of Currency."

Chap. 83 rev. stat not affected.

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

Continuation.

CHAPTER 91.

An Act to incorporate the Halifax Fire Insurance Company.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

SECTION.

1. Incorporation.
2. Directors. Two to go out annually, but eligible for re-election. President—how chosen. Vacancies filled up.
3. Capital—how to be invested.
4. When to commence business. Amount of risks to be taken. Whole of capital liable. If company insure beyond limits, stockholders liable.
5. Losses payable in three months.

6. Books open to inspection by person named by Governor—exception. If corporation fail to keep up capital, Governor may revoke act. Members then liable in proportion to their stock.
7. Shares—personal property, &c.
8. Business—by whom transacted. Directors—how chosen—powers of.
9. Annual meetings—proceedings at.
10. Votes.

SECTION.

11. Members to hold in their own right.
12. Directors—powers of, &c. Bye-laws to be binding— Proviso.
13. Shares—how disposed of.
14. Remaining capital paid on call.
15. Shares not transferable if instalments unpaid. To be sold if default in payment of instalments.
16. Present company—how to be dissolved.
17. Property, &c. of old company to be transferred to new.

SECTION.

18. No one to take more than fifty shares until thirty days after act goes into operation.
19. In case capital expended, &c., no policies to be issued. Penalty.
20. Company to be dissolved on loss of capital, or by votes of shareholders. Directors to continue in office to wind up company.
21. Penalty for forging, &c.
22. Duration.

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

Incorporation. 1. John Esson, John Gibson, Edward Pryor, Mather B. Almon, John W. Young, Robert Noble, and Thomas Bolton, and such other persons as shall, from time to time, become shareholders in the company hereby established, their successors and assigns, are hereby created a body corporate, by the name of the Halifax Fire Insurance Company.

Directors. 2. The said John Esson, John Gibson, Edward Pryor, Mather B. Almon, John W. Young, Robert Noble, and Thomas Bolton, shall be directors of the Company until the first Monday of February, 1861, at the expiration of which period seven new directors shall be elected, and annually thereafter the two senior directors shall go out of office, and two shall be chosen at the annual meeting in their stead from the members of the company, the retiring directors to be eligible for reelection. The president shall be chosen annually by the directors from among their number, and, in case of the death, resignation, or removal from the province, of any of the directors, any such vacancy shall be filled up by the board of directors until the next annual meeting.

Two to go out annually, but eligible for re-election.

President—how chosen.

Vacancies filled up.

Capital—shares—how to be invested.

3 The capital or joint stock of the company shall be one hundred thousand pounds, to consist of five thousand shares of twenty pounds each, of lawful money of Nova Scotia; fifty thousand pounds of which shall be paid in cash and invested in the British or Colonial government stocks or provincial funds, or in city debentures, or in the stock or deposit receipts of any chartered bank or company at Halifax, excepting insurance companies, which instruments shall be made and taken and continued from time to time to the satisfaction of such persons as the Governor shall appoint to examine and report upon the funds and securities of the company.

When to commence business.

4. When the corporation shall have provided the capital or joint stock of fifty thousand pounds, and invested and secured twenty-five thousand pounds, as aforesaid, it shall be lawful for them to commence business, and to cause insurances to be made on houses, buildings, stores, goods, and merchandise, from loss or damage by fire; provided always, that the annual risks incurred by the corporation in this province, upon the capital of fifty thousand pounds, shall not in any one year ex-

Amount of risks to be taken.

ceed three hundred and fifty thousand pounds ; but when the whole capital of one hundred thousand pounds shall be subscribed, and the sum of fifty thousand pounds shall be invested and secured as aforesaid, then it shall be lawful for such company to effect insurances annually to the amount of six hundred thousand pounds, and no more ; and the whole of the capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the said policies. And in case the company shall, at any time, make insurances beyond the sum of three hundred and fifty thousand pounds, and six hundred thousand pounds, respectively, as aforesaid, the members of the corporation shall be liable in their own persons and estates for their respective shares or proportions of the amount insured beyond the sum of three hundred and fifty thousand pounds, in case the capital or joint stock shall amount to fifty thousand pounds only, or beyond the sum of six hundred thousand pounds in case the full amount of the said capital is provided.

Whole of capital liable.

If company insure beyond limits, stockholders liable.

5. All just demands upon any policy of insurance of the corporation, from any losses whatever which may appear, shall be paid and satisfied and discharged from time to time, according to the tenor of the respective policies, within three months from the time any such loss shall occur and happen, and shall be duly established, according to the tenor of the policy, from and out of the joint stock or funds of the corporation.

Losses payable in 3 months.

6. The books and accounts of the corporation, and a statement of their funds and insurances made, shall at all times be open to the inspection of such person or persons whom the Governor shall appoint to inspect the same—the members and agents of other fire insurance companies excepted,—and in case the corporation shall fail to keep good the capital or joint stock as aforesaid, it shall be lawful for the Governor by proclamation, under the great seal of the province, to revoke and make void the present act of incorporation, and all the powers hereby granted, in which case the members of the corporation shall be severally liable in their persons and estates, according to their proportion and share of such joint stock, for all insurances by them made as a corporation, any thing herein contained to the contrary notwithstanding.

Books, &c. open to inspection by person named by Governor—exception.

If corporation fail to keep up capital. Governor may revoke act.

Members then, liable in proportion to their stock.

7. The share and part of each member of the corporation shall be considered personal property, and may be sold and assigned by the proprietor as other personal property may be sold and assigned.

Shares—personal property, &c.

8. The business of the corporation shall be transacted by the president and directors. The directors to be chosen by the stockholders, as herein provided, and shall have power to appoint a secretary and treasurer and such other officers as may be required, and to fix their salaries.

Business—by whom transacted. Directors—how chosen—powers of.

9. The annual meeting of the corporation shall take place

Annual meet.

ings—proceed-
ings at.

on the first Monday in February in each year, when the accounts of the company to the thirty-first day of December preceding shall be exhibited, directors elected, and any other business of the company transacted. The first meeting to take place in February, 1860.

First meeting.

Votes.

10. At all meetings of the corporation, the stockholders shall vote in person—each stockholder holding one share and less than five shares to have one vote; five shares and less than ten, two votes; ten shares and upwards, three votes, and no more.

Members to
hold in their
own right.

11. No person shall hold stock in the corporation, except in his or her own right.

Directors—
powers of, &c.

12. The directors of the company shall have power and authority, from time to time, to make bye-laws as to them shall seem meet and proper, for regulating the proceedings of the company, the transfer, forfeiture, and registration of shares, the enforcing payment of calls, the regulation of the proceedings of the board of directors, the transaction of the business of the company, and for the management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal such bye-laws, or any of them, and to make others, as to them shall seem meet and expedient; and all such bye-laws so made, being reduced into writing, and signed by the president or vice-president of the company, and sealed with the seal of the company, shall be binding on the company, and shall in all courts be deemed and taken as the bye-laws of such company; provided always, that such bye-laws be not repugnant to the laws of this province, or to the provisions of this act; and provided also, that no bye-law of the company, and no repeal of any bye-law, shall be in force or executed until the same respectively is approved of by the Governor in Council, and until such bye-laws are made the bye-laws of the Halifax fire insurance company shall be the bye-laws of this company.

Bye laws to be
binding.

Provide.

Shares—how
disposed of.

13. For each and every share which may be held by the stockholders in the present Halifax Fire Insurance Company, each shareholder shall be entitled to receive, at his option, twenty shares of the capital stock created under this act, amounting in all to two thousand shares, and the remaining three thousand shares shall be disposed of in such manner and on such terms and at such times as the directors shall deem fit and proper.

Remaining ca-
pital paid on
call.

14. The stockholders shall be liable to pay up the remaining ten pounds per share of the capital on call after sixty days' notice; but no call shall be made for more than twenty per cent. at any one time; interest to be chargeable thereon after the same shall become due.

Shares not
transferable if
instalments un-
paid.

15. No share shall be transferable or transferred until all the instalments called for are paid up; and the shares shall be forfeited and liable to be sold by the directors in case of de-

fault of payment of any one call, with interest for thirty days after the same shall become due.

16. As soon as it may be lawful for this company to go into operation, the directors of the present Halifax Fire Insurance Company shall call a meeting of that company, of which at least ten days notice shall be given in two of the newspapers published at Halifax, and by notice in writing served on, or left at the last place of abode of the shareholders resident at Halifax, or their known agent, which notice shall specify the object for which such meeting is called; at which meeting it shall be lawful for two-thirds in number of the stockholders present, by resolution, to dissolve the company, and surrender their charter, and when such resolution shall have been passed and duly published in the Royal Gazette, such Halifax Fire Insurance Company, shall, ipso facto, be dissolved according to all intents and purposes, and become merged into the corporation created under this act, except for the winding up and settling the affairs of such company, and thereupon all the risks taken and policies issued by the said company, and then outstanding, shall be assumed by the company hereby incorporated, and such new company shall be in law held liable therefor in the same manner and to the same extent as if the risks had been taken and the policies issued by the said company under this act.

To be sold if default in payment of instalments.

Present company—how to be dissolved.

17. When and so soon as the Halifax Fire Insurance Company shall be dissolved, and the risks mentioned in the foregoing section transferred to the company created under this act, all the property, money invested, and funds of the old company shall be transferred and become the funds and property of the company created under this act, without any other or further formal transfer thereof.

Property, &c. of old company to be transferred to new.

18. No stockholder shall be allowed to take or subscribe for more than fifty shares of stock to be created under this act, until the expiration of thirty days after this act shall go into operation.

No one to take more than fifty shares until 30 days after act goes into operation.

19. If it shall happen that losses of the company created under this act shall in any one year amount to fifty thousand pounds, and the invested capital of the company shall at any time be wholly expended, or any just claims against the company shall be outstanding and unsettled equal to that amount, then as soon as the same shall be known to or ascertained by the president and directors, it shall not be lawful for the company or for the said directors to accept orders for, or sign, or issue, any further insurances or policies therefor whatever; and if any such further insurances shall be made, or policies therefor be signed or issued, after the knowledge of the state of the affairs of the company, had by the president or directors, or any of them, then for and upon all losses and monies payable for losses under such insurances, and policies so issued and signed, the president and each of the directors

In case capital expended, &c., no policies to be issued

Penalty.

who shall accept or make such insurances, or sign the same policies, shall be personally, and in their own estates jointly and severally held liable and accountable to the full amount of such losses and all charges incident thereto, and shall be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment, or both, in the discretion of the court before which the offence shall be tried.

Company to be dissolved on loss of capital, or by votes of shareholders.

Directors to continue in office to wind up company. &c.

20. Upon the happening of any such losses as last mentioned, to the extent of the capital invested, or upon the vote of three fourths in number of the proprietors in the company, holding at least three fourths of the whole number of shares therein, the company shall be dissolved, and the same shall be forthwith declared by the president and directors, and published in the Royal Gazette; and thereupon the company shall cease and determine, but the directors shall continue in office during such time as shall be required for winding up the affairs and business of the company; and all corporate powers, for this purpose necessary and requisite, shall subsist and remain in force until the whole of its affairs shall be fully settled; and the board of directors, for the time being, shall and are hereby required to adopt the most immediate and effectual measures for settling, winding up, and closing all the accounts and affairs and business of the company,—ascertaining, adjusting, and paying demands against the same—collecting the debts, and converting the capital and property of the company into money, and for dividing and paying to and among the shareholders and proprietors, entitled thereto, the whole nett proceeds of the same, according to their respective shares and interest in said company.

Penalty for forging. &c.

21. Any person who shall forge, or counterfeit, or cause to be forged or counterfeited, the common seal of the corporation to be created under this act, or shall forge, counterfeit, or alter any policy or other instrument under the common seal, or shall offer to dispose of any such forged or counterfeited, or altered policy, or other instrument under the common seal, or shall demand the money appearing to be due thereon from the corporation, knowing the same to have been forged, every such person offending and being convicted thereof, in due form of law, shall suffer the pains and penalties inflicted by law upon persons guilty of forgery within this province.

Duration.

22. This act shall continue in force for the term of twenty years, and no longer, unless the same shall be previously determined in the manner hereinbefore expressed.

CHAPTER 92.

An Act to authorize the sale of the Presbyterian Church at Guysborough.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- | | |
|---|---|
| 1. Trustees empowered to sell and convey. | SECTION.
2. Application of proceeds. |
|---|---|

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

1. The trustees of the Presbyterian Church at Guysborough, namely, Duncan McColl, Thomas H. Patterson, and John H. Scott, are hereby authorized to sell at public auction such Presbyterian church, together with the lot of land thereto appertaining, due notice of such intended sale having been given at least ten days previously, and to convey the same in fee simple to the purchaser or purchasers thereof, provided that nothing herein shall affect private rights.

Trustees empowered to sell and convey.

2. After deducting from the proceeds arising from such sale the expenses attending the same, the trustees shall invest the balance in such manner as may be deemed by them most for the interest of the congregation of such church.

Application of proceeds.

CHAPTER 93.

An Act to authorize the sale of two Presbyterian Meeting Houses at Barney's River.

(Passed the 15th day of April, A. D. 1859.)

SECTION.

- | | |
|---|---|
| 1. Majority of congregation may authorize trustees to sell. | SECTION.
2. May appoint trustees if none.
3. Application of proceeds. |
|---|---|

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

1. A majority of the members of the congregation of the Presbyterian church at Barney's River, in the county of Pictou, in connexion with the Church of Scotland, present at a meeting held after at least ten days notice of the time and place of holding such meeting being given by public intimation to the said congregation, during or immediately after divine service, may authorize and direct the trustees of the congregation to sell at public auction and convey in fee simple the two Meeting Houses belonging to the said congregation, with the lots of land on which the same are situate.

Majority of congregation may authorize trustees to sell.

2. If there are no trustees, the congregation may appoint trustees for the purpose of carrying out the objects of this act.

May appoint trustees if none.

3. After deducting the charges attending the sale, the proceeds arising therefrom shall be applied to such purposes as a majority of the congregation shall direct.

Application of proceeds.

CHAPTER 94.

An Act to enable Charles Dickson Archibald to obtain Letters Patent.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. May obtain patent for generating force on complying with cap. 120 rev. stat.

SECTION.

2. Affidavit—by whom made, &c.

3. To cease unless introduced within 3 yrs.

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

May obtain patent for generating force on complying with cap. 120 rev. stat.

1. It shall be lawful for Charles Dickson Archibald, of Rustham Hall, Lancaster, England, Esquire, upon his having complied with the provisions of chapter 120 of the Revised Statutes, to obtain letters patent for his invention for generating force, notwithstanding his residing out of this province, to the same extent in every respect as if he had been an inhabitant of this province, and had resided therein for one year previous to such application being made; and after such letters patent are obtained, he shall be entitled to all the rights and privileges by such act conferred.

Affidavit—by whom made, &c.

2. The affidavit required by the said chapter may be made by the said Charles Dickson Archibald, or his duly authorized agent, before a judge of a court of record.

To cease unless introduced within 3 years.

3. Provided always, that such patent right shall cease if the said Charles Dickson Archibald, or his assigns, shall not, within three years after the passing of this act, introduce into this province machinery founded on his invention aforesaid.

CHAPTER 95.

An Act to alter and amend the Act to incorporate the Acadian Iron and Steel Company, and the Act in amendment thereof.

(Passed the 15th day of April. A. D. 1859.)

SECTION.

1. Title.

2. To be constituted and managed in accordance with deed of settlement of 4th June, 1856.

3. Certified copy of deed and resolution to be deposited in Provincial Secretary's office.

4. Company may alter and add to regulations. Special resolution—how passed.

SECTION.

5. Certified copy to be deposited with Provincial Secretary.

6. Certified copies of deed and resolutions admissible in evidence.

7. 10th sec. of first recited act to apply to Acadian Charcoal Iron Company limited, and acts done thereunder confirmed.

Preamble.

Whereas, by the act of the legislature, passed on the 31st March, 1855, entitled, "An Act to incorporate the Acadian Iron and Steel Company," certain persons therein mentioned, or such of them and all other person and persons, who should from time to time be and become shareholders in the company, their successors and assigns, were created a body politic and corporate, in deed and in name, under the style and title of "The Acadian Iron and Steel Company," and provision was made as to the capital or joint stock of the company, and as to its first organization and formation and its subsequent regulation.

And whereas the principal object and purpose of the said company and of the promoters, was the acquiring, opening, and working certain iron and other mines in the province of Nova Scotia; and in order to encourage and facilitate an enterprize which, with its attendant industries, was and is likely to be productive of great benefits to this province, it was enacted by the 10th section of the act that certain ungranted wilderness lands should be set apart and appropriated for the uses and purposes of the company, upon such conditions and with such rights and such option of purchase as therein mentioned.

And whereas by another act of the legislature, passed on the 31st day of March, 1856, entitled, "An Act to amend the Act to incorporate the Acadian Iron and Steel Company," the style and title of the company was altered to "The Acadian Iron Company," and the provisions of the first mentioned act, as to the capital and the regulation of the company, were in some respects altered and amended.

And whereas, on the 4th day of June, 1856, a joint stock company, with limited liability, under the name of "The Acadian Charcoal Iron Company Limited," and with a capital of £200,000, divided into 20,000 shares, of £10 each, was duly formed and constituted in England, under two acts of the Imperial Legislature, intituled respectively, "An Act for the Registration, Incorporation and Regulation of Joint Stock Companies," and "The Limited Liability Act 1855."

And whereas the said Acadian Charcoal Iron Company Limited has been since duly registered under two other acts of the Imperial Legislature, known as "The Joint Stock Companies Acts 1856-7," and is now regulated in accordance with the provisions of the last mentioned acts, under a deed of settlement, dated the 4th day of June, 1856, and a special resolution altering and amending such deed.

And whereas the persons forming and constituting the said Acadian Charcoal Iron Company Limited in England were certain of the persons named in the first recited act, together with certain other persons; and the objects and purposes for which the said last mentioned company was formed and constituted, were the same as the objects and purposes of the company mentioned in the said 1st and 2ndly recited acts, and the said Acadian Charcoal Iron Company Limited have in fact acquired and opened and have been and are working the said iron and other mines which the said first mentioned company intended to acquire, open, and work, and which are known as "The Acadian Iron Mines," situate at Londonderry, in the county of Colchester, and also certain other Mines situate at Nictau, in the county of Annapolis.

And whereas there is no other association or company constituted under the 1st and 2ndly recited acts, except the said Acadian Charcoal Iron Company Limited, and the said Acadian Charcoal Iron Company Limited is in fact, although

under another style and title, the company to which the said 1st and 2ndly recited acts relate or are intended to relate.

And whereas it is expedient that the said 1st and 2ndly recited acts should be altered and amended, in order to make them apply to the said company, by its said style and title of "The Acadian Charcoal Iron Company Limited," and to make its constitution and regulation under the acts of the legislature, conformable to the present constitution and regulation of that company.

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

Title

1. So much of the said 1st and 2ndly recited acts as relates to the style and title of the company shall be and is hereby repealed; and the style and title of the company, therein referred to, shall be "The Acadian Charcoal Iron Company Limited;" and The Acadian Charcoal Iron Company Limited, as now formed and constituted, shall be and shall be taken to be the company referred to in those acts respectively, and the several shareholders in that company, their successors and assigns, shall be a body politic and corporate, in deed and in name, by the said style and title of "The Acadian Charcoal Iron Company Limited."

To be constituted and managed in accordance with deed and settlement of 4th June, 1856.

2. So much and such parts of the said 1st and 2ndly recited acts as relates to the amount of capital, the number of shares, and the amount thereof, and the constitution, regulation, and management of the company, shall be and are hereby repealed; and the company shall be constituted, regulated and managed under and in accordance with the said deed of settlement of the company, bearing date the fourth day of June, in the year of our Lord 1856, and the said special resolution of the company, altering and amending the same, and (subject as hereinafter mentioned) the said deed of settlement and special resolution, shall be the regulations of the company.

Certified copy of deed and resolution to be deposited in Pro. Sec. office.

3. The company shall, within six calendar months after the passing of this act, deposit with the provincial secretary, in the office of such secretary at Halifax, in this province, a printed copy of the said deed of settlement, bearing date the 4th day of June, 1856, and of the said special resolution, which shall respectively be duly certified as true and correct copies by three directors of the company, in writing under their respective hands.

Company may alter and add to regulations.

4. Notwithstanding anything hereinbefore contained, the company may from time to time in general meeting, by a special resolution, alter and add to the regulations of the company in the same cases and to the same extent as the Acadian Charcoal Iron Company Limited, as constituted in England, was or would have been entitled before the passing of this act; and a resolution shall be a special resolution, which has been passed by three-fourths in number and value of such

Special resolution—how passed, &c.

shareholders of the company, for the time being, entitled to vote, as may be present, in person or by proxy at any meeting of which notice, specifying the intention to propose such resolution, has been duly given, and which has been confirmed by a majority of such shareholders, for the time being entitled to vote, as may be present, in person or by proxy, at a subsequent meeting, of which notice has been duly given, and held at an interval of not less than one month, nor more than three months from the date of the former meeting.

5. A copy of every such special resolution shall in like manner be deposited, within six calendar months from the day of holding the second of such meetings, with the provincial secretary, in the office of such secretary at Halifax aforesaid, and shall be duly certified as a true and correct copy by three directors of the company, in writing under their respective hands.

Certified copy to be deposited with Pro. Sec.

6. That a copy, either printed or written, of the said deed of settlement and of the before mentioned special resolution, or any other special resolution of the company, which shall have been duly deposited as aforesaid, purporting to be certified by the provincial secretary, or his deputy, as a true copy of such deed of settlement, or special resolution or resolutions, shall be admissible in evidence in all courts in this province, or before any person now or hereafter having by law or by consent of parties authority to hear and examine evidence in this province, without the production of the original deed or any other evidence thereof, or of the said resolution or resolutions, or the due passing and confirmation thereof.

Certified copies of deed and resolutions admissible in evidence.

7. The 10th section of the first recited act shall be taken to refer and apply to the Acadian Charcoal Iron Company Limited; and all grants, allotments, and appropriations already made, and acts and things done under or purporting to be under the authority of the said section, to or for the benefit of the company, under whatever name, shall be respectively good, valid, and effectual.

10th sec. of first recited act to apply to Acadian Charcoal Iron Company limited, and acts done there under confirmed.

CHAPTER 96.

An Act to naturalize certain Aliens.

(Passed the 30th day of March, A. D. 1859.)

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

1. George A. Stencyeland, Michael Peillon, of Halifax, in the county of Halifax, yeomen; Edmund D. Taylor, of Barrington, in the county of Shelburne, tinsmith; Dominico Fumagalli, of Truro, in the county of Colchester, painter; Hollis Joy, physician, Lafayette McLellan, farmer, John Joseph, mariner, Alfred Tomilson, Frederick Tomilson, James Godfrey, and Joseph McLellan, yeomen, all of Walton, in the county of Hants; William Gray, of Londonderry, farmer; Christian Grim, Junior, and Jacob Grima, of Lunenburg, in the county of Lunenburg, farmers; George Hibbert of Minudie, yeoman; Hendrick Hanf, Alson R. Adams, and Andrew McAlsin, of Truro, in the county of Colchester, yeomen, as soon as they shall, respectively, take and subscribe the oath of allegiance to her Majesty Queen Victoria and her successors, in manner prescribed by Chapter 32 of the Revised Statutes, shall, within the limits of the province, become naturalized subjects of her Majesty, entitled to all rights of such subjects as fully as the same can be conferred under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of her Majesty's reign, entitled, "An Act for the naturalization of Aliens."

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