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THE  
STATUTES OF NOVA SCOTIA,

PASSED IN THE  
TWENTY-NINTH YEAR OF THE REIGN

OF HER MAJESTY

QUEEN VICTORIA:

BEING THE

THIRD SESSION OF THE TWENTY-THIRD GENERAL  
ASSEMBLY CONVENED IN THE SAID  
PROVINCE.



HALIFAX, N. S.:

Printed by ALPIN GRANT, Printer to the Queen's Most  
Excellent Majesty.

1866.

J.A.G.  
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1869

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29° VICTORIÆ.  
1866.

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At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday, the 22nd day of February, 1866, in the twenty-ninth year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c., being the third session of the twenty-third General Assembly convened in the said Province.\*

\* In the time of His Excellency Sir William Fenwick Williams of Kars, Baronet, Lieutenant-General in Her Majesty's Army; Knight, Commander of the Most Honorable Order of the Bath; Grand Officer Legion d'Honneur; first class of the Turkish Order of Medjide, &c., &c.; Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c.; Edward Kenny, President of the Legislative Council; John C. Wade, Speaker of the Assembly; Charles Tupper, Provincial Secretary; and H. C. D. Twining, Clerk of Assembly.

## CHAPTER 1.

### An Act to incorporate the Windsor and Annapolis Railway Company.

(Passed the 14th day of March, A. D. 1866.)

Preamble.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares.</li> <li>3. When to go into operation. May construct railway, &amp;c.</li> <li>4. Liability of stockholders.</li> <li>5. First meeting—when and where held. Corporation—how organized. Meeting of Board of Directors.</li> <li>6. Solicitor to Company. Service of process.</li> <li>7. Land for railway track provided gratis. Powers of corporation. May lease road, &amp;c.</li> </ol> | <ol style="list-style-type: none"> <li>8. Company to own road. Salaries of employees. Bye-laws.</li> <li>9. Railway may cross roads.</li> <li>10. The several agreements before mentioned, and Cap. 13, 28 Vic. made part of this Act. Act not to go into operation until assignment of contract to company.</li> <li>11. Act to cease if work is not commenced within six months. Act not to affect liability of contractor.</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Whereas, under and by virtue of An Act of the General Assembly, passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, Chapter 13, entitled, "An Act to provide for the construction of two other sections of Provincial Railways," provision is made for the construction of a section of the Provincial Railway from Windsor to Annapolis, and authority given the Chief Commissioner of Railways to contract with any responsible party or parties for the construction of the same. And, whereas, the Chief Commissioner of Railways for Nova Scotia did, under and by virtue of the powers and authority of the said Act, on or about the twenty-sixth day of October, 1865, enter into a contract with George Knight and Company, of London, to construct the said railway—

Preamble.

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

1. George Knight, David Ward Chapman, Sir John C. Dalrymple Hay, Bart., James Lister O'Beirne, M. P., Francis

Incorporation

F. Jeyes, and such other persons as shall become shareholders in the company hereby created, their successors and assigns, are hereby constituted a body politic by the name of the Windsor and Annapolis Railway Company, for the purpose of constructing, under the authority, powers, and provisions of the said Act, and also of the Act Chapter 70 of the Revised Statutes, third series, so far as the same shall be applicable, and also of the said contract, a railway from Windsor to Annapolis, for the conveyance and transportation of Her Majesty's, or her successors', mails and passengers, freight, and generally the transaction of all business connected therewith, or necessarily or usually performed on or by railways, and for constructing such wharves, docks, bridges, or piers as may be necessary for the same.

Capital.

2. The capital of the company shall consist of six hundred and eighty thousand pounds sterling, one half of which, or three hundred and forty thousand pounds sterling, shall be divided into seventeen thousand shares of twenty pounds sterling, or one hundred dollars of Nova Scotia currency, each, and the other moiety shall be issued in six per cent. debenture bonds, bearing six per cent. interest, issued in such amounts as the directors may determine.

Share.

When to go into operation.

3. The company, as soon as the same shall have been organized, and the sum of ten per cent. on the share capital of of the stock paid in, may proceed to construct a railway from the town of Windsor aforesaid to Annapolis. They may construct such railroad, erect stations, buildings, wharves, bridges, and piers, upon any land owned by the company, or acquired under or by virtue of this or any act of the assembly passed or to be passed.

May construct railway, &c.

Liability of Stockholders.

4. No member of the corporation shall be liable in his person or separate estate for the liabilities of the corporation to a greater amount in the whole than 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.

First meeting—when and where held.

5. The first meeting of the corporation shall be held at such time and place in this province, or in Great Britain, as any two thirds of the corporators shall determine, of which public notice shall be given in two of the newspapers published in Halifax, in this province, at least thirty days before such meeting, at which, or at any subsequent meeting, the corporation may be organized by the election of a board of directors of not less than three nor more than seven, as shall be agreed on by the shareholders then present. All subsequent meetings of the board of directors may be held at such time and place as the board of directors, in their bye-laws, shall direct; and they may, in their bye-laws, provide the time and manner of choosing the officers of the said corporation.

Corporation—how organized.

Meetings of Board of Directors.

6. The company, through their directors or otherwise, shall appoint a recognized solicitor, resident in this province, service on whom of all process notices and other documents shall be held to be sufficient service on the company, and the name and address of such solicitor shall be filed with the Registrar of Deeds for each county where the works of the company are situated; in default of such appointment, or in case of the absence or death of such solicitor, process notices and documents may be served on any of the directors or managers of the company.

Solicitor to Company.

Service of process.

7. The lands required for the railway track and appurtenances shall be provided gratis to the said company, with the right of entering on all ungranted lands belonging to this Province, and taking, free of cost, all materials required for the said railway, as under the provisions of section 11, chapter 70, of the third series Revised Statutes; the lands so acquired to be the property of the company, who are hereby authorized to exercise all the powers necessary for locating and completing the said railway, to purchase and hold, within or without the Province, lands, houses, materials, engines, cars, and all the appurtenances of a railway, to make such connexion as they think proper with other railway or steamboat companies within or without the Provinces, either by leasing their road to other corporation or corporations, on such terms, and for such length of time, as may be agreed upon, or by consolidating the stock of their road with that of other railway companies or company upon such terms as may be agreed upon, to make, execute, and deliver good and sufficient mortgage deed or deeds of their road and all its branches to such private persons or corporation, within or without this Province, as they may think the interest of the stockholders in their company requires.

Land for railway track provided gratis.

Power of corporation.

May lease road, &c.

8. The company shall own the said railroad, and generally shall do all acts, and make all rules and regulations in respect thereof, and in the construction and management thereof, as may be necessary and expedient; and the company shall have power to appoint, remove, and fix the salaries of all officers, servants, and others to be by them employed in and about the construction and management of the railroad, and shall have power to make, ordain, and establish all necessary bye-laws and regulations consistent with the laws in force in this province, and the act herein first above mentioned, for their own government, the due and orderly conducting of affairs, the levying of tolls, and the general management of their property.

Company to own road.

Salaries of employees.

Bye-laws.

9. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroad or tramroad, and over any river, brook, or stream; subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions, to ensure the safety of the inhabitants and their property.

Railway may cross roads.

10. The several conditions, agreements, provisoes, and

The several agreements be-

fore mentioned,  
and Cap. 13, 2<sup>s</sup>  
Vic. made part  
of this Act.

Act not to go  
into operation  
until assign-  
ment of con-  
tract to com-  
pany.

Act to cease if  
work is not  
commenced  
within six  
months.

Act not to affect  
liability of con-  
tractor.

terms, contained and mentioned in the said contract or agreement entered into by the Chief Commissioner of Railways and George Knight and company, dated the twenty-sixth day of October, one thousand eight hundred and sixty-five, and the agreement, or the ratification of the said agreement, dated the first day of February, one thousand eight hundred and sixty-six, and the said act of the twenty-eighth Victoria, chapter 13, so far as the same is not altered or modified by this act, shall be, and each and every of them shall be, incorporated into, and made part and parcel of this act, so soon as the assignment of the said agreement by the said George Knight to the said company hereby incorporated is fully completed and effected; but this act shall not go into operation, nor shall the company hereby incorporated be entitled to the advantages, privileges, and benefits thereof, until the said assignment of the said contract or agreement from the said George Knight to the said company shall be fully completed and effected.

11. This Act shall cease and determine if the railroad herein contemplated and mentioned shall not be effectually commenced and vigorously prosecuted within six months from the passing hereof; but nothing in this act shall abridge, lessen, or affect the liability of the contractor, the said George Knight, or his assigns, to commence the said railroad on the first day of May in this present year.

---

*Memorandum of Agreement made and entered into this 26th day of October, 1865, between Arard Longley, of Halifax, Esquire, the Chief Commissioner of Railways for the Province of Nova Scotia, by direction and authority of the Governor and Council of said Province, of the one part, and Edward Harris and Thomas T. V. Smith, both of London, England, Esquires, acting for and on behalf of George Knight and Company, of Great George Street, Westminster, London, England, of the other part.*

Whereas, an Act of the Legislature of Nova Scotia was passed on or about the second day of May, 1865, entitled "An Act to provide for the construction of two other sections of the Provincial Railway," and by such Act provisions were made for the construction of a certain railway from Truro to the boundary line of New Brunswick, and of a certain other railway from Windsor to Annapolis;

And Whereas, in pursuance of the provisions of the said Act, a negotiation has been entered into between the said parties, having for its object an arrangement by which the said company shall undertake the construction and working of the said section of the said railway from Windsor to Annapolis, under the provisions of the said Act, and subject to the terms and conditions hereinafter mentioned.

*Now this Agreement witnesseth*, and it is agreed by and between the parties hereto as follows: The before recited Act shall be the basis of this agreement, so far as it relates hereto, except so far as the same may by this agreement be modified.

The said Edward Harris and Thomas T. V. Smith, on the part and behalf aforesaid, in consideration of the premises and of the agreement on the part of the said Chief Commissioner of Railways, on the part and behalf aforesaid hereinafter contained, hereby agree to construct the said railroad from a point to connect with the railway at or near the present station at Windsor, either to Annapolis, aforesaid, or to Troop's Point, the length to be assumed at eighty-five miles, under the provisions of the said Act, and subject to the terms and conditions hereinafter mentioned on the general route surveyed by James Sykes in 1852, as the same, and the location thereof may be approved of by the Governor in Council; the said works to be commenced at a period not later than the first day of May next, to be diligently prosecuted, and fully completed and ready for traffic on or before the first day of May which will be in the year of our Lord 1868. The rails to be of good quality, and to be either forty-two pounds weight per yard, on the T pattern, to be laid on longitudinal rectangular bearings, properly fastened with spikes, and fished at the joints, or with sleepers and an arris-cut longitudinal stringer, with a proportionably smaller pattern saddle-rail, as introduced on the Great Western Railway, in England. The breadth of roadway, depth of ballast, and general description of road to be of such quality as to ensure permanency and economy of maintenance; the stations and depots to be not less than ten in number, and equal to the requirements from time to time of traffic; and the said company to efficiently manage and operate the said railway when completed, at the proper expenses, and for the benefit of the said George Knight and company, or their assigns, for and during the period for which the annual subvention hereinafter mentioned is provided to be paid, under the terms of the said Act.

The said company shall be bound to provide such conveyance for the officers and soldiers of Her Majesty's forces, ordnance corps, marines, militia, or police forces, at such time or times (whether the same shall be the usual hours for starting trains or not) as shall be required or appointed by any officer duly authorized by the Governor for that purpose, and with the whole resources of such company or body corporate, at fares not exceeding two cents per mile for each officer, soldier, marine, or private of such forces, respectively; and also for each wife, widow, or child above twelve years of age, of a soldier, entitled, by Act of Parliament or other competent authority, to be sent to their destination at the public expense; children under three years of age, so entitled, to be taken free of charge, and children of three years and upwards, but under

twelve years, so entitled, being taken at half price for an adult,—provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per hundred weight per one hundred miles, and all public luggage, stores, arms, ammunitions, and other necessary things (except gunpowder and other combustible matters) shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading or unloading such goods.

The said company shall be bound to convey Her Majesty's mails at the same rate of charges as now paid for the same service to the railway department in Nova Scotia.

And the said Edward Harris and Thomas T. V. Smith, on the part and behalf aforesaid, in consideration of the premises, and of the further agreement on the part of the said Chief Commissioner of Railways hereinafter contained, on the part and behalf aforesaid, further agree to erect and build over the River Avon, near Windsor, on the said line of railway, and to form part thereof, a good and sufficient bridge, viaduct, aboiteau, or other suitable erection for the purposes of the said railway, and in addition to the necessary railway track or tracks across the same, to have a good and sufficient roadway for horses and carriages to pass and re-pass, separate and independent of the said railway track or tracks, the same to be open and free to the public, or to be under such tolls and charges as the Governor in Council may, for the use of the Province, from time to time enforce.

And the said Chief Commissioner of Railways, for and on the part and behalf of the Province of Nova Scotia, under the authority hereinbefore mentioned, in consideration of the premises, hereby agrees with the said Edward Harris and Thomas T. V. Smith, acting on the part and behalf aforesaid, as follows:

That the amount of the subvention to be paid hereunder shall be reckoned on eighty-five miles, or £16,320 sterling, per annum, to be paid half-yearly in London; the first payment thereof to fall due six months after the commencement of the work and the due prosecution thereof for that period.

That all lands required for the railway track, and appurtenances, shall be provided gratis to the said company, with the right of entering on all ungranted lands belonging to the Government, and taking, free of cost, all materials required for the railway, as under the provisions of section eleven, chapter 70, referred to in the said act.

That the said company shall be entitled to make and enforce a tariff of charges for fares and freights, equal to, but not ex-

ceeding (except by mutual arrangement), the tariff now in force on the Government lines, copies of which are this day signed by the said Representatives; such limitation not to apply to the charges for conveyance of horses and waggons, which shall be determined by mutual agreement.

That all materials and stores required for the construction and working of the railway shall be entitled to a drawback of the amount of import duties paid thereon by the said company; and, during the construction of said railway, that the Provincial Government shall grant the free use of the landing stages and railway stations at Halifax, Bedford, and Windsor, and transit over the Government railways, subject to traffic regulations—the said company paying all expenses incurred in landing, and for haulage and handling of such materials and stores, and also the cost of transit thereof.

That should any legislative alterations be required for the purpose of carrying the terms of this agreement into effect, the party of the first part hereby undertakes and agrees to use all proper means in his power to obtain the same.

And it is hereby mutually agreed, that prior to the opening of the railroad, a traffic arrangement shall be made between the said company and the Provincial Government for the mutual use and employment of their respective lines of railways between Halifax and Windsor and Windsor and Annapolis, including running powers, or for the joint operation thereof, on equitable terms.

And the said Chief Commissioner of Railways, in consideration of the premises, doth, for and on the part and behalf aforesaid, hereby promise and agree to and with the said Edward Harris and Thomas T. V. Smith, for and on the part and behalf aforesaid, that the government of the said Province shall and will well and truly pay, or cause to be paid, to the said George Knight and company, or their assigns, for the building and sustenance of the said bridge, viaduct, aboiteau, or other suitable erection across the said river Avon, the sum of £32,000 sterling, in monthly payments, as the work of building proceeds, and the balance, if any, when the same shall be fully completed and the railway opened up for traffic.

And it is further mutually agreed between the said parties, that the said line of railway, including the said bridge, viaduct, aboiteau, or other erection across the said river Avon, with all and singular the appurtenances, when built, shall be the property of the said George Knight and company, or their assigns, and shall be operated, managed, and upheld by them at their own proper costs and charges.

And it is further mutually agreed, that should the said George Knight and company hereafter desire to capitalize the said annual subvention by the issue of Government bonds therefor, the said Chief Commissioner of Railways will hereafter enter into mutual satisfactory arrangements with them for that

purpose, and for securing the fulfilment of the contract herein contained, on the part and behalf of the said George Knight and company, for the efficient building and operating of the said railway.

And it is further mutually agreed, that the said George Knight and company shall, on or before the first day of February next, enter into an agreement directly with the said Chief Commissioner of Railways, for the building and operating of the said railway from Windsor to Annapolis, according to the terms, true intent and meaning of this agreement, and to the satisfaction of the Governor in Council, otherwise the said Commissioner may determine this agreement as void and at an end.

In witness whereof, the parties to these presents have hereunto subscribed their hands and set their seals, the day and year first above written.

|          |                     |       |
|----------|---------------------|-------|
| (Signed) | AVARD LONGLEY,      | (L.S) |
| (Signed) | EDWARD HARRIS.      | (L.S) |
| (Signed) | THOMAS T. V. SMITH. | (L.S) |

Signed, sealed, and delivered, in presence of }  
 JAMES H. THORNE,  
 JAMES G. TOBIN. }

*To all to whom these presents shall come :*

I, Benjamin Samuel Philips, Lord Mayor of the City of London, do hereby certify, that on the day of the date hereof, personally came and appeared before me, James Dorrington, the declarant named in the declaration hereunto annexed, and by solemn declaration which the said declarant then made before me in due form of law, did solemnly and sincerely declare to be true the several matters and things mentioned and contained in the said annexed declaration.

In faith and testimony whereof, I the said Lord Mayor have hereunto signed my name and caused the seal of the office of Mayoralty of the said City of London to be hereunto put and affixed, and the paper writing or power of attorney marked A, mentioned and referred to in and by the said declaration, to be also hereunto annexed. Dated in London, the 18th day of January, in the year of our Lord 1866.

(L.S.) (Signed) B. S. PHILLIPS, Mayor.  
 RICHARD J. PAULEY, Deputy Registrar.

*London, to wit :*

I, James Dorrington, of Number 28 Parliament street, in the city of Westminster, clerk to Francis Ferdinand Jeyes, of the same place, gentleman, do solemnly and sincerely declare that

I, this declarant, was present at the execution of the paper writing, or power of attorney hereunto annexed, and marked with the letter A, and bearing date the 17th day of January, 1866, by George Knight, therein named and described, and did see the said George Knight sign and seal, and as his act and deed, in due form of law, deliver the same, and that the name or signature "George Knight" set and subscribed to the said paper writing, or power of attorney, as the name or signature of the party executing the same is of the proper hand-writing of the said George Knight, and that the names or signatures "H. Skynner" and "Jas. Dorrington" appearing on the said paper writing, or power of attorney, as the names or signatures of the witnesses to the execution of the said paper writing, or power of attorney, by the said George Knight, are of the respective proper hand-writing of Henry Skynner, of Number twenty-five Coleman street, in the city of London, Solicitor of the High Court of Chancery in England, and a Commissioner to administer oaths in Chancery and in common law, and of me, this declarant; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to repeal an Act of the present session of Parliament, entitled an Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declaration in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

(Signed) JAMES DORRINGTON.

Declared at the Mansion House, in the city of London, }  
 this 18th day of January, 1866, before me, }  
 B. S. PHILLIPS, Lord Mayor. }

(A.)

To all to whom these presents shall come, George Knight, of No. 1 Great George street, in the city of Westminster, in England, Contractor, and being the person described in the agreement hereinafter referred to as "George Knight & Co." sends greeting:

*Whereas*, by an agreement bearing date the 26th day of October, 1865, and made between Avarad Longley, Chief Commissioner of Railways of the Province of Nova Scotia, of the one part, and Edward Harris and Thomas Timmis Vernon Smith, acting for and on behalf of the said George Knight & Co., of the other part, the said Edward Harris and Thomas

Timmis Vernon Smith agreed, on behalf of the said George Knight & Co., for the considerations thereafter expressed, to construct a railway in Nova Scotia from a point to connect with the railway at or near the present station at Windsor either to Annapolis or to Troop's Point, the length to be assumed at eighty-five miles, for the construction of which railway an Act of the Legislature of Nova Scotia was passed on or about the second day of May, 1865. And whereas, it was provided and agreed by the said agreement that the said George Knight & Co. should, on or before the first day of February, which would be in the year 1866, enter into an agreement directly with the said Chief Commissioner of Railways for the building and operating of the said railway from Windsor to Annapolis, according to the terms, true intent, and meaning of the said agreement, to the satisfaction of the Governor in Council, otherwise the said Commissioner might determine the said agreement of the 26th October, 1865, as void and at an end. Now these presents witness, that the said George Knight doth hereby nominate, constitute, and appoint Edward Harris, of Chippenham, in the county of Wilts, Civil Engineer, and Thomas Timmis Vernon Smith, of 4 Corbett Court, Gracechurch street, in the city of London, engineer, jointly, the true and lawful attorneys of him, the said George Knight, in the name of the said George Knight, or in the names or name of George Knight & Co., or any or either of them, or of their or either of their executors and administrators, to enter into any contract or contracts, agreement or agreements with the Government of the Province of Nova Scotia, or with the Chief Commissioner of Railways, for the building and operating to Annapolis, and to do all other acts necessary to obtain a confirmation or ratification of the before recited agreement of the 26th day of October, 1865, and, if necessary or expedient, to enter into any new or other agreement, either in substitution of or in addition to the said agreement of the 26th of October, 1865, and also to agree to any alteration or deviation of the said line, or works thereon, or connected therewith, or any prolongation of time for making and carrying out the said works, and also to refer to arbitration or otherwise, to compromise or settle all disputes with reference to the construction of the said agreement, or of any clause, matter or thing therein contained, and all claims and demands of every kind and description which shall or may arise under or by virtue of the said agreement; and generally to do and execute all such acts, deeds, matters, and things with relation to the premises as the said George Knight could or might have done had the said George Knight been personally present,—the said George Knight hereby agreeing to ratify and confirm all and whatsoever his said attorneys or attorney shall lawfully do or cause to be done in the premises, or in anywise relating thereto.

In witness whereof, the said George Knight hath hereunto set his hand and seal the 17th day of January, 1866.

(Signed) GEORGE KNIGHT. (L.S.)

Signed, sealed, and delivered by the above-named )

George Knight, in the presence of }

H. SKYNNER,

25 Coleman street, in the city of London, Solicitor of the High Court of Chancery in England, and a Commissioner to administer oaths in Chancery and in Common Law.

(Signed) JAMES DORRINGTON,  
Clerk to F. F. Jeyes,  
28 Parliament street, Westminster.

This is the paper writing or power of attorney, marked A, referred to in the declaration of James Dorrington, taken before me this 18th day of January, 1866.

(Signed) B. S. PHILLIPS, Lord Mayor.

*Memorandum of agreement made and entered into this first day of February, in the year of our Lord 1866: between Avarð Longley, of Halifax, Esquire, the Chief Commissioner of Railways of the Province of Nova Scotia, by direction and authority of the Governor and Council of the said Province, of the one part; and George Knight, of number one Great George street, Westminster, London, England, Contractor, of the other part:*

*Whereas* an Act of the Legislature of Nova Scotia was passed on or about the 2nd day of May, 1865, entitled "an Act to provide for the construction of two other sections of the Provincial Railway," and by such Act provisions were made for the construction of a certain railway from Truro to the boundary line of New Brunswick, and of a certain other railway from Windsor to Annapolis;

*And Whereas* by an agreement entered into between Edward Harris and Thomas T. V. Smith, on behalf of the said George Knight, under the name of George Knight and Company, with the said Avarð Longley, the Chief Commissioner of Railways as aforesaid, for the construction and working of the said section of the said railway from Windsor to Annapolis, under the provisions of the said Act, on the terms and conditions hereinafter mentioned; which said agreement contained a provision that the said George Knight should enter into an agreement directly with the said Chief Commissioner of Railways, according to the terms, true intent and meaning of this agreement and to the satisfaction of the Governor in Council.

Now this agreement witnesseth, and it is agreed by and between the said Avarð Longley, Chief Commissioner of Railways as aforesaid, and the said George Knight, as follows: The be-

fore recited Act shall be the basis of this agreement, so far as it relates hereto, except so far as the same may by this agreement be modified.

The said George Knight, in consideration of the premises and of the agreement on the part of the said Chief Commissioner of Railways, on the part and behalf aforesaid hereinafter contained, hereby agrees to construct the said railroad from a point to connect with the railway at or near the present station at Windsor, either to Annapolis, aforesaid, or to Troop's Point, the length to be assumed at eighty-five miles, under the provisions of the said Act, and subject to the terms and conditions hereinafter mentioned, on the general route surveyed by James Sykes in 1852, as the same, and the location thereof may be approved of by the Governor in Council; the said works to be commenced at a period not later than the first day of May next, to be diligently prosecuted, and fully completed and ready for traffic on or before the first day of May, which will be in the year of our Lord 1868. The rails to be of good quality, and to be either forty-two pounds weight per yard, on the T pattern, to be laid on longitudinal rectangular bearings, properly fastened with spikes, and fished at the joints, or with sleepers and an arris-cut longitudinal stringer, with a proportionably smaller pattern saddle-rail, as introduced on the Great Western Railway, in England. The breadth of roadway, depth of ballast, and general description of road to be of such quality as to ensure permanency and economy of maintenance; the stations and depots to be not less than ten in number, and equal to the requirements from time to time of traffic; and the said George Knight to efficiently manage and operate the said railway when completed, at the proper expenses, and for the benefit of the said George Knight, or his assigns, for and during the period for which the annual subvention hereinafter mentioned is provided to be paid, under the terms of the said Act.

The said George Knight shall be bound to provide such conveyance for the officers and soldiers of Her Majesty's forces, ordnance corps, marines, militia, or police forces, at such time or times (whether the same shall be the usual hours for starting trains or not) as shall be required or appointed by any officer duly authorized by the Governor for that purpose, and with the whole resources of the said George Knight, at fares not exceeding two cents per mile for each officer, soldier, marine, or private of such forces, respectively; and also for each wife, widow, or child above twelve years of age, of a soldier, entitled, by Act of Parliament or other competent authority, to be sent to their destination at the public expense; children under three years of age, so entitled, to be taken free of charge, and children of three years and upwards, but under twelve years, so entitled, being taken at half price for an adult,—provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra

charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per hundred weight per one hundred miles, and all public luggage, stores, arms, ammunitions, and other necessary things (except gunpowder and other combustible matters) shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading or unloading such goods.

The said George Knight shall be bound to convey Her Majesty's mails at the same rate of charges as now paid for the same service to the railway department in Nova Scotia.

And the said George Knight, in consideration of the premises and of the further agreement on the part of the said Chief Commissioner of Railways hereinafter contained, on the part and behalf aforesaid, further agrees to erect and build over the River Avon, near Windsor, on the said line of railway, and to form part thereof, a good and sufficient bridge, viaduct, aboiteau, or other suitable erection for the purposes of the said railway, and in addition to the necessary railway track or tracks across the same, to have a good and sufficient roadway for horses and carriages to pass and repass, separate and independent of the said railway track or tracks, the same to be open and free to the public, or to be under such tolls and charges as the Governor in Council may, for the use of the Province, from time to time enforce.

And the said Avar Longley, Chief Commissioner of Railways, as aforesaid, for and on the part and behalf of the Province of Nova Scotia, under the authority hereinbefore mentioned, in consideration of the premises, hereby agrees with the said George Knight, as follows:—

That the amount of the subvention to be paid hereunder shall be reckoned on eighty-five miles, or £16,320, sterling, per annum, to be paid half-yearly in London: the first payment thereof to fall due six months after the commencement of the work and the due prosecution thereof for that period.

That all lands required for the railway track and appurtenances shall be provided gratis to the said George Knight, with the right of entering on all ungranted lands belonging to the Government, and taking, free of cost, all materials required for the railway, as under the provisions of section eleven, chapter seventy, referred to in the said Act.

That the said George Knight shall be entitled to make and enforce a tariff of charges for fares and freights equal to, but not exceeding (except by mutual arrangement) the tariff now in force on the Government lines, copies of which are this day signed by the parties to these presents; such limitation not to apply to the charges for conveyance of horses and wagons, which shall be determined by mutual agreement.

That all materials and stores required for the construction and working of the railway shall be entitled to a drawback of the amount of import duties paid thereon by the said George Knight; and during construction of said railway, that the Provincial Government shall grant the free use of the landing stages and railway stations at Halifax, Bedford, Windsor, and transit over the Government Railways, subject to traffic regulations—the said George Knight paying all expenses incurred in landing and haulage and handling of such materials and stores, and also the cost of transit thereof.

That should any Legislative alterations be required for the purpose of carrying the terms of this agreement into effect, the party of the first part hereby undertakes and agrees to use all proper means in his power to obtain the same.

And it is hereby mutually agreed, that prior to the opening of the railroad, a traffic arrangement shall be made between the said George Knight and the Provincial Government for the mutual use and employment of their respective lines of railway between Halifax and Windsor and Windsor and Annapolis, including running powers, or for the joint operations thereof on equitable terms.

And the said Avar Longley, Chief Commissioner of Railways, as aforesaid, in consideration of the premises, doth, for and on the part and behalf aforesaid, hereby promise and agree to and with the said George Knight that the Government of the said Province shall and will well and truly pay, or cause to be paid, to the said George Knight, or his assigns, for the building and sustenance of the said bridge, viaduct, aboiteau, or other suitable erection across the said River "Avon," the sum of £32,000 sterling, in monthly payments, as the work of building proceeds, and the balance, if any, when the same shall be fully completed and the railway opened up for traffic.

And it is further mutually agreed between the said parties, that the said line of railway, including the said bridge, viaduct, aboiteau, or other erection across the said River "Avon," with all and singular the appurtenances, when built, shall be the property of the said George Knight, or his assigns, and shall be operated, managed and upheld by him at his own proper costs and charges.

And it is further mutually agreed, that should the said George Knight, or his assigns, hereafter desire to capitalize the said annual subvention, by the issue of government bonds therefor, the said Chief Commissioner of Railways will hereafter enter into mutual satisfactory arrangements with him for that purpose and for securing the fulfilment of the contract herein contained, on the part and behalf of the said George Knight, for the efficient building and operating of the said railway.

And it is further mutually agreed by and between the said parties hereto, that, for the purposes of carrying out this agreement, the said George Knight, or his assigns, shall have power

to form a joint stock company, to be incorporated by Act of the Parliament of Nova Scotia, as contemplated by and in accordance with the Act hereinbefore referred to; and when and so soon as such company is formed, and capital placed to the satisfaction of the said Chief Commissioner of Railways of the Province of Nova Scotia, the said intended company so to be formed shall be accepted in lieu of the said George Knight for the purposes of this agreement.

In witness whereof, the parties to these presents have hereunto subscribed their hands and set their seals the day and year first above written.

(Signed) AVARD LONGLEY. (L.S)

(Signed) GEORGE KNIGHT. (L.S)

By his Attornies.

(Signed) EDWARD HARRIS,

(Signed) THOMAS T. V. SMITH.

Signed, sealed, and delivered, in presence of }  
W. A. JOHNSTONE,  
S. L. SHANNON. }

## CHAPTER 2.

### An Act to regulate Customs Duties.

(Passed the 31st day of March, A. D. 1866.)

- |                                                                  |                                                           |
|------------------------------------------------------------------|-----------------------------------------------------------|
| 1. When to come into operation.                                  | 5. Standard for collecting duties.                        |
| 2. Payment of duties provided for.                               | 6. Duties—how and where paid.                             |
| 3. Goods mentioned in Table of Exemptions free.                  | 7. How applied and how drawn.                             |
| 4. Provincial Statutes to govern the collection, &c., of duties. | 8. Productions of other Provinces exempt by Proclamation. |
|                                                                  | 9. Immoral books, &c., prohibited.                        |

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

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

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 table mentioned, according to the value, number or quantity of every such article. Payment of duties provided for.

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

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. Provincial Statutes to govern the collection, &c., of duties.

Standard for collecting duties.

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.

Duties—how and where 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 or in current coin, at the legal rate of tender.

How applied and how drawn.

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.

Productions of other Provinces exempt by Proclamation.

8. The Governor in Council may, whenever it shall be advisable so to do, declare by proclamation what other articles, the growth and production 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 imported.

Immoral books, &c.. prohibited.

9. Books, drawings, paintings, or prints of an immoral or indecent character, are prohibited to be imported into this Province under a penalty of fifty dollars for each offence, and the forfeiture of the parcel or package of goods in which such prohibited articles may be found.

TABLE OF DUTIES.

|                                                                                 |        |
|---------------------------------------------------------------------------------|--------|
| Apples, fresh or dried, per barrel.....                                         | \$1.00 |
| Ale, Beer, or Porter, in wood or bottles, per gallon....                        | 6      |
| Bacon, per cental or 100 lbs. ....                                              | 2.00   |
| Beef, salted, per barrel.....                                                   | 1.00   |
| " fresh, per 100 lbs.....                                                       | 1.00   |
| Biscuit, fine, and bread, including crackers or cakes, per 100 lbs.....         | 1.00   |
| Bread, Pilot or Navy, per 100 lbs.....                                          | 20     |
| Butter, per 100 lbs.....                                                        | 1.75   |
| Burning Fluid, per gallon.....                                                  | 10     |
| Candles, tallow, per lb.....                                                    | 3      |
| all other Candles, per lb.....                                                  | 8      |
| Cattle, viz., horses, mares, or geldings, each.....                             | 10.00  |
| Neat cattle, viz., oxen or other neat cattle, 3 years old or upwards, each..... | 7.50   |
| Cows and cattle under 3 years old, each.....                                    | 2.50   |
| Sheep, each.....                                                                | 75     |

|                                                                                                                                                                                                                                                                                                                                  |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Cattle, Hogs, alive, over 100 lbs. weight each.....                                                                                                                                                                                                                                                                              | \$5 00 |
| of 100 lbs. weight, and under, each.....                                                                                                                                                                                                                                                                                         | 50     |
| Cheese, per 100 lbs.....                                                                                                                                                                                                                                                                                                         | 1 00   |
| Coffee, green, per lb.....                                                                                                                                                                                                                                                                                                       | 4      |
| roasted, burned, or ground, per lb.....                                                                                                                                                                                                                                                                                          | 5      |
| Flour, wheat, per barrel.....                                                                                                                                                                                                                                                                                                    | 25     |
| Ginger, ground, per lb.....                                                                                                                                                                                                                                                                                                      | 4      |
| Geneva and Whiskey not exceeding the strength of<br>proof by Sykes' hydrometer, and so in proportion<br>for any greater strength than the strength of proof,<br>per gallon.....                                                                                                                                                  | 90     |
| Hams, smoked or dried, per 100 lbs.....                                                                                                                                                                                                                                                                                          | 2 00   |
| Lard, per 100 lbs.....                                                                                                                                                                                                                                                                                                           | 1 75   |
| Leather, viz., sole leather, including hides and skins,<br>partially dressed therefor, per lb.....                                                                                                                                                                                                                               | 4      |
| Molasses, per gallon.....                                                                                                                                                                                                                                                                                                        | 5      |
| Onions, per 100 lbs.....                                                                                                                                                                                                                                                                                                         | 50     |
| Oil, viz., rock or coal oil and benzole, per gallon.....                                                                                                                                                                                                                                                                         | 7      |
| Paraffine, per gallon.....                                                                                                                                                                                                                                                                                                       | 7      |
| Pears, fresh or dried, per barrel.....                                                                                                                                                                                                                                                                                           | 1 00   |
| Pork, salted, per barrel.....                                                                                                                                                                                                                                                                                                    | 1 00   |
| fresh per 100 lbs.....                                                                                                                                                                                                                                                                                                           | 1 00   |
| Pepper and Pimento, ground, per lb.....                                                                                                                                                                                                                                                                                          | 4      |
| Raisins, per lb.....                                                                                                                                                                                                                                                                                                             | 2      |
| Rum, not exceeding the strength of proof by Sykes' hy-<br>drometer, and so in proportion for any greater<br>strength of proof per gallon.....                                                                                                                                                                                    | 75     |
| Spirits, viz., brandy, cordials, and other spirits, except<br>rum, geneva and whiskey, not exceeding the<br>strength of proof by Sykes' hydrometer, and so in<br>proportion for any greater strength of proof per gall.                                                                                                          | 1 20   |
| Spirits or strong waters, not otherwise enumerated, not<br>being pure alcohol, mixed with any ingredients, and<br>although thereby coming under the head of some<br>other denomination, with the exception of varnish<br>(in any package), shall be deemed spirits or strong<br>waters, and shall pay a duty per gallon, of..... | 90     |
| Sugar, brown or muscovado, not refined, per 100 lbs...                                                                                                                                                                                                                                                                           | 1 50   |
| Candied, brown, crushed and bastard facings, and re-<br>fined, per 100 lbs.....                                                                                                                                                                                                                                                  | 2 00   |
| Teas: souchong, congou, pekhoe, bohea, pouchong, and<br>all other black teas, per lb.....                                                                                                                                                                                                                                        | 6      |
| Gunpowder, hyson, young hyson, twankay and other<br>green teas, per lb.....                                                                                                                                                                                                                                                      | 11     |
| Tobacco, manufactured, except snuff and cigars, per lb.                                                                                                                                                                                                                                                                          | 10     |
| Do. unmanufactured or leaf.....                                                                                                                                                                                                                                                                                                  | 5      |
| Tongues of cattle, dried or pickled, per 100 lbs.....                                                                                                                                                                                                                                                                            | 2 00   |
| Wines, viz., hock, constantia, malmsey, catawba, bur-<br>gundy, hermitage, moselle, champagne, per dozen<br>of five bottles to the gallon.....                                                                                                                                                                                   | 3 00   |

|                                                                                                                                                                         |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| On all other wine in bottles, per dozen of five bottles to the gallon.....                                                                                              | 2 00    |
| Port, sherry, madeira and all other wines, (except French wines, imported direct, as hereafter mentioned,) in wood, per gallon.....                                     | 75      |
| Wines, the growth and production of France, when imported direct, per gallon.....                                                                                       | 40      |
| Clocks, and all wheels, machinery, and materials used in their manufacture.....                                                                                         | } 20 00 |
| Confectionary, syrups, and articles manufactured from sugar.....                                                                                                        |         |
| Cigars and snuff.....                                                                                                                                                   |         |
| Patent Medicines.....                                                                                                                                                   |         |
| For every \$100 of the value.....                                                                                                                                       |         |
| Currants and figs.....                                                                                                                                                  | } 10 00 |
| Leather, viz.: boots, shoes, and leather manufactures of all kinds.....                                                                                                 |         |
| Upper leather of all sorts, including hides and skins partially dressed therefor.....                                                                                   |         |
| Meat, fresh, except beef or pork.....                                                                                                                                   |         |
| Poultry of all sorts, dead.....                                                                                                                                         |         |
| For every \$100 of the value.....                                                                                                                                       |         |
| Anchors, grapnels, and anchor palms.....                                                                                                                                | } 5 00  |
| Cables of hemp or other vegetable substance, or of iron or iron wire.....                                                                                               |         |
| Cotton yarn.....                                                                                                                                                        |         |
| Cordage, tarred or untarred, whether fitted for rigging or otherwise.....                                                                                               |         |
| Iron, viz., in bars or bolts, pipes or tubes, sheet iron, iron spikes, clinch rings, boiler plates, hoop iron, iron rigging, iron chains, and iron knees for ships..... |         |
| Machinery of all kinds, for mills, steamboats, and manufactories.....                                                                                                   |         |
| Oakum.....                                                                                                                                                              |         |
| Pitch.....                                                                                                                                                              |         |
| Sail cloth of all kinds, canvas, sail twine, ready made sails and grummets.....                                                                                         |         |
| Steel in Bars, Rods, or Sheets.....                                                                                                                                     |         |
| Tar.....                                                                                                                                                                |         |
| For every \$100 of the value.....                                                                                                                                       |         |
| All other goods, wares and merchandize, not otherwise charged with duty, and not enumerated in the table of exemptions.....                                             | } 10 00 |
| For every \$100 of the value.....                                                                                                                                       |         |

## TABLE OF EXEMPTIONS.

- Ashes, viz., pot ashes and pearl ashes.  
 Asses and mules.  
 Baggage and apparel of passengers in use and not intended for sale.  
 Barilla and soda ash.  
 Beans.  
 Bells, organs, and musical instruments for churches.  
 Books or pamphlets not prohibited to be imported into the United Kingdom.  
 Bristles and hairs used in the manufacture of brushes.  
 Broom Corn.  
 Bullion, gold or silver.  
 Burrstones.  
 Coal.  
 Cocoa.  
 Coin: Gold and silver coins, and British copper coins.  
 Copper: Yellow metal, composition and zinc for ship sheathing, of a size forty-eight inches long by fourteen inches wide, and sheathing felt; copper, composition, and zinc bars or bolts, copper composition or zinc sheets, not thinner than 16 wire guage, for making nails; nails, spikes and clenched rings for ship building.  
 Copper, viz., in pigs or bricks, old or worn, or fit only to be remanufactured.  
 Corkwood.  
 Corn, viz., wheat, rye, indian corn, barley, oats, rice and buckwheat, unground; rice meal, barley meal, rye meal, indian meal, oatmeal, buckwheat meal, peas and beans.  
 Cotton Wool, unmanufactured.  
 Crude saltpetre, for manufacturing purposes.  
 Cutch.  
 Engravings and photographs.  
 Fish, viz., fresh, dried, salted or pickled.  
 Fish hooks.  
 Fish Oil, viz., train oil, spermaceti oil, head matter and blubber, fins or 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, not to include machinery, musical instruments and plate.  
 Hay.  
 Hemp.  
 Hides, or pieces of hides, raw, not tanned, curried or dressed.  
 Horns.  
 Hops.

Horses and carriages of travellers, and horses, cattle, carriages, and other vehicles, when employed in carrying merchandise, 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, scrap iron, iron rails for railroads, and old iron fit only to be re-manufactured.

Lime and limestone.

Lines for the fisheries of all kinds.

Malt.

Manures of all kinds.

Maps and charts.

Nets, fishing nets and seines of all kinds.

Ores of all kinds.

Paintings.

Palm oil.

Pig lead, and old lead fit only to be re-manufactured.

Plants, shrubs and trees.

Plate, of gold and silver, old, and fit only to be re-manufactured.

Potatoes.

Printing paper, not less than demy size.

Printing presses and types, and printer's ink.

Rags, viz.: old rags, old rope, junk, old fishing nets and old canvas.

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.

Sands of all kinds.

Seeds of all kinds, for agricultural purposes.

Skins, furs, pelts or tails undressed.

Stones unmanufactured, including slate.

Sheathing paper for ships.

Straw.

Statuary.

Sugar of the maple.

Tallow.

Twines used in the fisheries.

Tow.

Turpentine, raw.

Whale fin or bone.

Wood, viz: boards, logs, planks, staves, square timber, shingles and firewood, but not to include woods used for dyeing.

Wool unmanufactured.

Zinc, viz.: zinc sheathing of a size forty-eight inches long by fourteen inches wide, intended for and to be used as sheathing for vessels, and zinc sheathing nails.

## CHAPTER 3.

## An Act to continue and amend Chapter 9 of the Revised Statutes, "Of Excise Duties."

(Passed the 31st day of March, A. D. 1866.)

1. Cap. 9, Rev. Stat., continued until 1st April, 1867, except amendment. | 2. Sec. 2 repealed.

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

1. Chapter 9 of the Revised Statutes is hereby continued in force until the first day of April, in the year one thousand eight hundred and sixty-seven, except as hereinafter amended.

Cap. 9 Rev. Statutes continued until 1st April, 1867, except amendment.

2. Section 2 of said Chapter imposing a duty of one cent per pound on tobacco manufactured within this Province is repealed.

Sec. 2 repealed.

## CHAPTER 4.

## An Act to continue Chapter 18 of the Revised Statutes, "Of Light House Duties."

(Passed the 31st day of March, A. D. 1866.)

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

1. Chapter 18 of the Revised Statutes, "Of Light House Duties," is hereby continued in force until the first day of April, in the year one thousand eight hundred and sixty-seven.

Cap. 18 Revised Statutes continued until 1st April, 1867.

## CHAPTER 5.

## An Act to authorize the exercise of Clerical Functions within this Province, by persons ordained by Bishops consecrated under the Act of the Imperial Parliament, 26 George 3rd, Chapter 84, empowering the consecration to the office of Bishops of persons being citizens of foreign countries.

(Passed the 18th day of April, A. D. 1866.)

Preamble.

1. Lord Bishop may grant License to officiate as Clergyman.

Whereas by an Act of the Imperial Parliament, 26 and 27 Victoria, Chapter 121, it is enacted that it shall be lawful for the Legislature of any of Her Majesty's possessions abroad to authorize any persons admitted to the order of priest or deacon by any such Bishops as are mentioned in the Act of 26 George 3rd, Chapter 84, to exercise their respective offices in such possessions, anything in the said last recited Act to the contrary notwithstanding—

Preamble.

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

Lord Bishop  
may grant  
license to officiate as Clergyman.

1. The Lord Bishop of Nova Scotia may grant a License to officiate as a Clergyman of the Church of England in this Province, to any person or persons who shall have been admitted to the order of priest or deacon by any Bishop of the Protestant Episcopal Church in the United States of America, anything in the Act of the Imperial Parliament of the twenty-sixth year of his late Majesty King George the Third, Chapter eighty-four, to the contrary notwithstanding.

#### CHAPTER 6.

An Act to amend Chapter 40 of the Revised Statutes (second series) "Of Sheriffs."

(Passed the 18th day of April, A. D. 1866.)

1. Governor in Council with concurrence of Chief Justice and Judge may remove Sheriffs.

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

Governor in Council, with concurrence of Chief Justice and Judge, may remove Sheriffs.

1. From and after the passing of this Act it shall be lawful for the Governor in Council, with the concurrence of the Chief Justice and a Judge of the Supreme Court, to remove any Sheriff from office for neglect of duty or misconduct in his office, and to appoint and commission another Sheriff in his place for the remainder of the term, who shall give security for the performance of his duty as now by law required for Sheriffs.

#### CHAPTER 7.

An Act to postpone the ensuing Spring Sittings of the Supreme Court at Halifax.

(Passed the 18th day of April, A. D. 1866.)

1. Sittings to commence 2nd Tuesday of May, instead of 4th Tuesday of April. 2. List of causes—when put in.

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

Sittings to commence 2d Tuesday of May, instead of 4th Tuesday of April

1. The ensuing Spring Sittings of the Supreme Court at Halifax shall commence on the second Tuesday of May, instead of on the fourth Tuesday of April, and shall continue for three weeks if the business of the Court shall require such continuance, and the presiding Judge is authorized to extend such sittings for a further period of three days, if such extension shall be deemed necessary, and for such further time as may be requisite in consequence of any trial being protracted beyond such extension, and all matters and proceedings pending, or to be had therein, shall be had and proceeded with, and all jurors, officers, witnesses, and parties bound to appear thereat by writ, recognizance, or otherwise, shall appear and attend on the second Tuesday of May, instead of on the fourth Tuesday of April.

List of causes—when put in.

2. The list of jury causes for trial at such sittings shall be given in to the Prothonotary on or before the Tuesday preceding the second Tuesday of May.

## CHAPTER 8.

## An Act to authorize the establishment of a Quarantine Station at the Port of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Governor may draw \$30,000 for purchase of Quarantine Station.</li> <li>2. Board of Works to purchase site, and have title thereto.</li> <li>3. Proceedings to obtain lands when agreement cannot be made.</li> <li>4. Value of such lands—how determined.</li> <li>5. Vessels over 100 tons to pay fees. Mail Steamers only to pay once a year.</li> <li>6. Vessels, masters, and owners, liable for expenses.</li> <li>7. Proceedings in case of vessels not bound for Port of Halifax arriving with disease on board. Head money.</li> </ol> | <ol style="list-style-type: none"> <li>8. Health Officer may direct such vessel to leave Port. Penalty for disobeying such orders.</li> <li>9. All communication with Quarantine Station closed, except by order of Health Officer.</li> <li>10. Penalty for violation of last clause.</li> <li>11. Board of management. Rules, &amp;c.</li> <li>12. City Council authorized to assess for one-third expense.</li> <li>13. Additional buildings—how erected.</li> <li>14. Persons in city having infectious diseases may be removed to Quarantine.</li> </ol> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. The Governor is hereby authorized to draw from the public treasury and expend a sum not exceeding thirty thousand dollars, in the purchase of a site for a Quarantine and Hospital Station for the Port of Halifax, and in the erection of the necessary buildings and accommodation thereon, and for the payment of necessary expenses attending the management thereof.

Governor may draw \$30,000 for purchase of Quarantine Station.

2. The Board of Works shall purchase some suitable site to be used as such Quarantine and Hospital Station, and the title thereto shall be vested in the Board of Works.

Board of Works to purchase site and have title thereto.

3. If a suitable site for such Quarantine Station cannot be obtained by purchase at a reasonable price or agreement with the owner, it shall be lawful for the Chairman of the Board of Works to enter into and take possession of any land required for such Quarantine Station, and cause the same to be laid off by metes and bounds, and shall file a plan and description of the same in the office of the Registrar of Deeds for the County, and the title to the lands therein described shall thereupon become vested in the Board of Works in fee simple to be held by them for the purpose aforesaid.

Proceedings to obtain lands when agreement cannot be made.

4. When any lands are taken under the last section, the value thereof shall be ascertained by the appointment and award of three persons,—one to be appointed by the Chairman of the Board of Works, one by the proprietor of the land, and one by the Mayor of the City of Halifax, and the sum awarded by the appraisers so appointed, or by any two of them, shall be paid to the owner of such land by the Board of Works on the award and appraisal being filed in that office.

Value of such land—how obtained.

5. All vessels over one hundred tons burden entering the Port of Halifax shall pay a fee of one cent per ton towards the expences of maintaining and managing such Quarantine and Hospital Station, and the treatment of sick sailors in the City

Vessels over 100 tons to pay fees.

Mail Steamers  
only to pay  
once a year.

Hospital; provided, nevertheless, that every mail steamer shall only pay such quarantine fee once in the year, and no such vessels shall be cleared at the Custom House until such fee be paid.

Vessels, masters  
and owners lia-  
ble for expenses

6. Vessels sent into quarantine with infectious or contagious disease, the masters and owners of such vessels shall be liable for all expenses incurred on their account or on account of the crew and passengers on board, and no such vessel shall be allowed to depart the port until such expenses be paid, or sufficient security given for the payment of the same.

Proceedings in  
Case of vessels  
not bound for  
Port of Halifax  
arriving with  
disease on board

7. Hereafter when any vessel not originally bound for the Port of Halifax shall arrive at the said port with contagious or infectious disease on board, and be allowed to remain in quarantine in said port, the master of such vessel shall pay to the Health Officer of the port, the sum of four dollars head money for each person on board the said vessel, at the time of her arrival, and such amount shall be paid over to the Chairman of the Board of Works by the Health Officer, and shall be credited to the fund for the support of the said Quarantine and Hospital Station. The said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port.

Head money.

Health Officer  
may direct such  
vessel to leave  
Port.

8. On the arrival at the port of Halifax of any vessel not originally bound to that port, having contagious or infectious disease on board, the Health Officer shall have power to direct such ship or vessel to proceed immediately on her voyage, if, in the opinion of such Health Officer, the condition of such vessel, her crew and passengers, would warrant such order, and the same could be enforced consistently with the dictates of humanity; and the master of any vessel disobeying such order to depart immediately, shall be liable to a fine of two thousand dollars, to be recovered by action in the Supreme Court at the suit of the Health Officer, and such master may be arrested and held to bail for such sum, as if the same were a private debt.

Penalty for dis-  
obeying such  
order.

All communica-  
tion with Qua-  
rantine Station  
closed, except  
by order of  
Health Officer.

9. When quarantine shall be established at any station, or when any town, village, hamlet, or locality, shall be declared to be under quarantine, no person who is within quarantine shall go beyond quarantine limits without the written order of the Health Officer in charge, and no person shall enter such quarantine ground without such permission.

Penalty for vio-  
lation of last  
clause.

10. Any person violating the provisions of the above section shall be liable to a fine of one hundred dollars, and may be imprisoned for a period not exceeding one year; and any person leaving quarantine without such permission may be apprehended by any Peace Officer and committed to jail to be dealt with according to law.

Board of Man-  
agement.

11. The Mayor and one Alderman of the City of Halifax, to be annually chosen by the City Council, shall represent the City on the Board of Management, and the Governor in Council may make rules and regulations for the management of

Rules, &c.

such Quarantine Station and Hospital, and for the conduct, control, and guidance of all persons and vessels in quarantine, and such rules and regulations when published in the *Royal Gazette* shall have the force of law.

12. The City Council of the City of Halifax having agreed to bear one-third of the outlay required for the purchase of the land and erection of buildings required for the said Quarantine and Hospital Station, and of the annual expenditure required to maintain such establishment, are hereby authorized from time to time to assess upon the City of Halifax such sums as shall be required by them for that purpose, and the Board of Works shall and may demand and receive the amount from the City Treasurer, and on refusal to pay the same may recover the amount by action against the city, in the Supreme Court.

City Council authorized to assess for one-third expense.

13. Should the City of Halifax hereafter wish to erect any additional buildings at the Quarantine Station, for the accommodation of sick persons, or for hospital purposes, they shall be permitted to do so on such conditions and terms as may be prescribed by the Governor in Council.

Additional buildings—how erected.

14. On the application of the City Medical Officer to the Chairman of the Board of Control, persons having infectious diseases within the city may be removed to the quarantine station.

Persons in city having infectious diseases may be removed to quarantine.

## CHAPTER 9.

An Act to amend Chapter 25 of the Revised Statutes, "Of Mines and Minerals," and the Act in amendment thereof.

(Passed the 7th day of May, A. D. 1866.)

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Lessees of Coal Mines since 1858 upon giving notice shall be entitled to renewal for 20 years. Second renewal for 20 years. Third renewal for 20 years. Provided the leases be worked bona fide at time of notice. No renewals to extend beyond 60 years, from 25th</p> | <p>August, 1886. Legislature may alter royalty in or after year 1886.</p> <p>2. Parties now holding leases may obtain new ones under this Act.</p> <p>3. General Mining Association may renew for each Mine worked. New lease shall not include larger areas than other Companies.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Lessees of Coal Mines in this Province, their executors, administrators, and assigns, holding leases from the Crown, or from the Chief Commissioner of Mines, made since the first day of January, A. D. 1858, or hereafter to be made, shall, upon giving notice in writing to the Chief Commissioner of Mines, at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases respectively for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof for such extended term upon the same terms, conditions and covenants, as contained in the original lease, and in like manner upon

Lessees of Coal Mines since 1858 upon giving notice shall be entitled to renewal for 20 years.

Second renewal for 20 years.

Third renewal for 20 years.

Provided the leases be worked bona fide at time of notice.

No renewals to extend beyond 60 years from 25th Aug., 1886.

Parties now holding leases may obtain new ones under this Act.

General Mining Association may renew for each mine worked.

New lease shall not include larger areas than other companies.

giving a like notice before the expiration of such renewed term to a second renewal and extension of term of twenty years from and after the expiration of such renewed term, and in like manner upon giving like notice before the expiration of such second renewal term to a third renewal and extension of twenty years from and after the expiration of such second renewed term; provided that at the time of giving such notices, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns, are and shall continue to be bona fide working the areas comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained, within the true intent and meaning of section 104 of the Act hereby amended, and provided that in no case shall such renewal or renewals extend, or be construed to extend, to a period beyond sixty years from the twenty-fifth day of August, A. D. 1886, and provided also that the Legislature shall be at liberty to revise and alter the royalty imposed under such lease in or after the year 1886.

2. After the passing of this Act new leases in accordance with its provisions may be executed to all parties now holding leases which will expire in the year 1886.

3. The General Mining Association shall, at the end of their lease, be entitled to a renewal as respects each mine that shall then be worked by them, upon the same terms as apply to other lessees, but the renewed lease shall not include in respect of each mine worked a larger area than would be granted to other companies, so that all lessees of coal mines may, after the expiration of the Company's lease, stand on an equal footing as regards areas and otherwise.

## CHAPTER 10.

### An Act to amend Chapter 27 of the Revised Statutes, "Of Trespasses to Crown Lands."

(Passed the 7th day of May, A. D. 1866.)

1. Trees, timber, or logs illegally cut on Crown Lands may be seized and sold. | 2. Proceeds to be sent to Commissioner of Crown Lands.

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

All trees, timber, or logs found cut upon the Crown Lands, without authority or license of the Government, may be seized by the Deputy Surveyors of the County, or such persons as may be appointed for the protection of Crown Lands, and such seizure shall be forthwith reported to the Commissioner of Crown Lands, who may direct the sale thereof, without proceeding to condemnation,—the proceeds of such sale to be remitted to the Commissioner of Crown Lands, to be applied as directed by the Chapter hereby amended.

Trees, timber or logs illegally cut on Crown Lands may be seized and sold.

Proceeds to be sent to Commissioner of Crown Lands.

## CHAPTER 11.

## An Act to amend Chapter 125 and 124 of the Revised Statutes, "Of an Equity Judge," and "Of proceedings in Equity."

(Passed the 7th day of May, A. D. 1866.)

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Cap. 125 Rev. Stat. amended as follows.</li> <li>2. Sec. 4—how altered as regards juries and testimony and issues.</li> <li>3. Sec. 6 repealed. Court of Equity Judge, always open.</li> <li>4. Sec. 8 amended. When Equity Judge and Assistant Judges are unanimous, no appeal except in their discretion.</li> <li>5. Sec. 9 amended; Equity Judge bound to act as Judge of Sup. Court, in case of illness or absence.</li> <li>6. Cap. 124 Rev. Stat. amended as follows. 1st, 2nd, 3rd, and 17th Secs. repealed, and the next herein following six Secs. substituted.</li> <li>7. Definition of terms. Chancery cases. Common law cases. Cases under Equity jurisdiction alone. Cap. 114 Rev. Stat. continued.</li> <li>8. Case of illness or absence of Equity Judge.</li> <li>9. Jurisdiction of Equity Judge same as Court of Chancery.</li> <li>10. Mixed actions of law and equity may be determined by Sup. Court. Sup. Court may refer case to Equity Court.</li> <li>11. Jurisdiction of Sup. Court not affected by Cap. 124 and 128.</li> </ol> | <ol style="list-style-type: none"> <li>12. Legal action not incorporated in equitable writs.</li> <li>13. Provisions of Cap. 135 Rev. Stat. apply to Equity suits.</li> <li>14. Witnesses—how examined.</li> <li>15. Attendance of witnesses—how enforced.</li> <li>16. Examination of witnesses on circuit.</li> <li>17. Oral examination and cross examination.</li> <li>18. Judge may order oral examinations.</li> <li>19. Examination <i>de bene esse</i>.</li> <li>20. Country causes to be tried by jury, to whom are left issues of fact. Judge to settle issues.</li> <li>21. Final judgment. Judgment by mutual agreement.</li> <li>22. Rule nisi—how returnable.</li> <li>23. Additions to rules. Who to be made parties to foreclosure suits. When no executor or administrator, cause may be commenced by petition. Proceedings when deceased person interested in suit has no personal legal representatives. Sale by subsequent incumbrancer not allowed without consent of previous one. Proviso.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. Chapter one hundred and twenty-five of the Revised Statutes, third series, "Of an Equity Judge, his office and duties," is amended as follows, that is to say:

2. Section four is altered by substituting for the words "petit jury panel," the words "grand jury panel," or "special jury panel," and by adding at the end of the section as follows, viz.: And the Judge in Equity shall direct the mode of procedure and the manner of the testimony, or any such issues, if he shall so direct, may be tried before him, or any other Judge of the Supreme Court, at any sittings for trial at Halifax, before the ordinary jury; and in such cases the cause shall be entered in the docket according to the issuing of the writ; and when in equity suits in Halifax he may deem it expedient that the issues should be tried in the country, he may so direct, and the trial shall come on before the Judge presiding on the circuit, in the county where the trial is ordered to be had, and the standing of the cause on the docket shall be regulated by the commencement of the suit.

3. Section six is repealed, and in place of it it is declared and enacted that the Court of the Equity Judge shall be always open, and the other Judges of the Supreme Court, or any of

Chapter 125 Revised Statutes amended as follows.

Section 4—how altered as regards juries and testimony and issues.

Sec. 6 repealed. Court of Equity Judge, always open.

them, in cases where empowered to exercise the functions of the Equity Judge, shall have the full powers of the Court.

Sec. 8 amended.

When Equity Judge and Assistant Judges unanimous no appeal except in their discretion.

4. Section eight is amended by adding at the end, and as part of that section, the following proviso: And it is enacted as follows, that is to say,—Provided that when the Equity Judge and associated Judges are unanimous, there shall be no appeal as matter of right from their decision, but in cases of difficulty and doubt they may in their discretion allow an appeal, or order a re-argument before themselves, or an argument before the full bench upon such questions and under such terms as they shall think right to prescribe and limit.

Sec. 9 amended.

Equity Judge bound to act as Judge of Sup. Court in case of illness or absence.  
Chapter 124 Revised Statutes amended as follows.  
1st, 2nd, 3rd, and 17th sects. repealed, and the next herein following six sections substituted.

5. At the end, and as part of section nine, there is added, and be it declared as follows, that is to say :

And also in the absence of all the Judges of the Supreme Court from Halifax, or in case of their illness, it shall be incumbent on the Judge in Equity to perform any of the duties that may be required there, of a Judge of the Supreme Court.

6. Chapter 124 of the Revised Statutes, third series, "Of proceedings in Equity," is amended as follows, that is to say :

The first, second, third, and seventeenth sections are repealed, and the six sections next herein following are substituted, and it is declared and enacted as follows, that is to say :

JURISDICTION.

Definition of terms.

Chancery Cases.

Common Law Cases.

Cases under Equity jurisdiction alone.

7. The terms "the Supreme Court" and "the Court" and "the Judges" or "Judge" in such Chapter, except when herein otherwise expressed, or when inconsistent with the enactments hereof, are confined in all cases of exclusive Chancery jurisdiction to the Court of the Equity Judge, or the Court or Judge occasionally exercising the Equity jurisdiction, and in all cases of concurrent jurisdiction those terms apply alike to such Court and Judge, and to the Supreme Court and its Judges, and in all cases purely at common law, contradistinguished from Chancery jurisdiction, those terms mean the Supreme Court and its Judges alone, and all suits or other proceedings for the redemption or the foreclosure of mortgages under the twenty-fourth section, and for specific performance under the twenty-fifth section, and in relation to real estates of infants, under the sections from the fifty-first to the fifty-fifth, both inclusive, of said Chapter (124), and all proceedings, matters, and things relating to the custody, care, and disposal of persons of unsound mind, and their estate and effects under the sections from two to nine, both inclusive, of Chapter 152 of the Revised Statutes, and also all proceedings under Chapter 131 of the Revised Statutes, third series, "Of Trusts and Trustees," are under the Equity jurisdiction only, and shall be prosecuted and conducted accordingly, and the terms "the Supreme Court," and "the Court," and "the Judges," or "Judge," used in the said sections and chapter, mean the

Equity Judge, or the Equity Court, or the Judge or Court occasionally exercising the Equity jurisdiction. But nothing in either of the said Chapters 124 or 125 applies to or affects Chapter 114 of the Revised Statutes, third series, "Of the sale of lands under foreclosure of mortgages," the proceedings under which may continue to be in the Supreme Court and before the Judges thereof.

Chapter 114 Revised Statutes continued.

8. In case of the illness of the Equity Judge, or in case of his absence from Halifax, either within the Province on judicial duty or for other cause or abroad, and also in cases requiring attention in the country on circuit, and when the Equity Judge does not preside, the duties imposed on him may be exercised by the other Judges, or any of them, as the cases may require.

Case of illness or absence of Equity Judge.

9. The Equity Judge has jurisdiction in all cases formerly cognizable by the Court of Chancery, and exercises the like powers, and applies the same principles of equity as justice may require, which were formerly administered in that Court.

Jurisdiction of Equity Judge same as Court of Chancery.

10. But nevertheless in all actions at law in the Supreme Court, on the trial or argument of which matters of equitable jurisdiction arise, that Court has power to investigate and determine both the matters of law and of equity, or either, as may be necessary for the complete adjudication and decision of the whole matter, and also all actions at law to which equitable defences shall be set up in virtue of the sections of this chapter, under the head equitable defences, from section 43 to section 50, both inclusive, are, and shall continue to be tried, considered, and adjudicated by the Supreme Court and its Judges, in the same manner as regards the said several cases respectively, as the Supreme Court or the Judges thereof had power to do when the Act for appointing a Judge in Equity was passed. But it shall be lawful for the Supreme Court, or any Judge of that Court, before whom the consideration, trial, or hearing of any question of equitable jurisdiction, or any such mixed questions of law or equity may come, if they or he shall deem it expedient and conducive to the ends of justice to do so, to order the case or any subject matter arising thereon to be transferred to the jurisdiction of the Equity Judge, to be dealt with according to the principles of equitable jurisprudence, and the exigencies of the case.

Mixed actions of law and equity may be determined by Supreme Court.

Supreme Court may refer case to Equity Court.

11. The said Chapters 124 and 125, except in cases otherwise declared or enacted in those chapters, or in the present or any other Act, does not abrogate, abridge, or interfere with any of the functions, powers, or authority which the Supreme Court or its Judges had, or have, as a Court of Common Law contradistinguished from, or concurrent with, the jurisdiction of Chancery in or over any of the subjects of legislation in those chapters, as, for example, such cases of mandamus or injunction over which the Common Law Judges have been accustomed to hold jurisdiction.

Jurisdiction of Supreme Court not affected by chapters 124 and 125.

Legal action not incorporated in equitable writ.

12. No cause of action heretofore denominated legal shall be contained a in writ of declaration which seeks equitable relief.

#### TESTIMONY.

Provisions of chapter 135 Revised Statutes apply to Equity suits.

13. The provisions of Chapter 135 of the Revised Statutes, third series, "Of Witnesses and Evidence," and the proof of written documents apply to proceedings and suits in the Equity Court, and the terms used therein—"the Supreme Court," "the Court," "the Judges," or the "Judge," include the Equity Court and the Judge and Judges who may administer the functions of that Court, except when inapplicable or inconsistent with any law or any general rule or order of the said Court.

#### EXAMINATION OF WITNESSES.

Witnesses—how examined.

14. Witnesses may be sworn and examined, and proofs taken before some person appointed as examiner by the parties, their counsel, or attornies, in writing, or before some examiner appointed by the Court to act generally or in a particular case, and also when the parties, their counsel, or attornies shall agree thereto in writing, by affidavits of the witnesses, taken respectively by the parties, or their attornies, or counsel, and sworn before any Judge or Prothonotary of the Supreme or Equity Court, or an examiner of the Court, or a Commissioner for taking *de bene esse* examinations; and the said persons in the respective cases aforesaid are authorized to administer the necessary oaths to the witnesses so examined by them, or so deposing before them.

Attendance of witnesses—how enforced.

15. On payment or tender of their legal fees, as in the Supreme Court, the attendance of witnesses for examination, as herein provided, and the production of papers, may be enforced by order from the Judge or examiner, and also under the provisions of Chapter 135 relating to the compelling of the attendance of unwilling witnesses, the giving of notices in that behalf, the contumacy of witnesses, and the production of papers; and any witness or person wilfully swearing or affirming falsely on any such examination or in any such affidavit, shall be liable to the pains and penalties of wilful and corrupt perjury.

Examination of witnesses on circuit.

16. Examinations taken in any of the modes before mentioned shall be evidence on the hearing or other proceedings in the cause; but on the trial of issues on circuit, the witnesses shall be examined as heretofore, unless the parties shall have agreed to their, or any of their examination in any of the before mentioned modes, in which cases the examination so agreed to be taken shall be evidenced in the same manner as if the witnesses had been examined in open court. But the Judge before whom any issue is tried, may, in his discretion, order any deposition of witnesses taken as aforesaid, for the hearing of the cause, to be submitted to the Jury, if he shall deem it necessary or proper to do so.

17. The party at whose instance the witness was examined as aforesaid shall not be at liberty to examine orally at the trial, except by the leave of the Judge; but the opposite party, at his own expense, may require his attendance before the jury for cross-examination, and the Judge, at his discretion, may order any witness whose written examination is given in evidence to be produced for oral examination, and may postpone the trial either for that purpose, or in case the party desiring cross-examination in court shall have duly subpoenaed the witness, and paid or tendered him his fees, and given sufficient notice of his desire to the other side, and the witness shall not appear.

Oral examination and cross examination.

18. The Judge in Equity may order the examination of witnesses orally before him, on hearing or other proceedings, when he shall deem it proper to do so.

Judge may order oral examination.

19. Nothing herein shall preclude examination from being taken *de bene esse*, under the law in that behalf, and being used in the Equity Court when the party is not bound and does not desire to examine absolutely.

Examination de bene esse.

#### OF ISSUES.

20. Country causes, unless the parties otherwise agree, or the Judge in Equity otherwise order, shall continue to be tried before a jury, to whom issues of fact shall be submitted; the counsel or attorneys, within such time and in such manner as may be ordered by the Judge in Equity in the cause or by general rule, shall interchange in writing their respective suggestions of the issues required, which, or the suggestions of one party in case of the default of the other, being submitted with the pleadings to the Equity Judge, he shall settle the issues and return them to the Prothonotary, to be used on the trial, with such alterations or additions as the presiding Judge shall find to be necessary or proper. And the presiding Judge shall have power to settle the issues when it appears to him upon oath that they have not been settled by the Equity Judge, through accident or other sufficient cause, and he shall be at liberty to order any amendment or to make any other order or rule which, in his judgment, shall be necessary or proper.

Country causes to be tried by jury to whom are left issues of fact.

Judge to settle issues.

21. When the verdict on such issues shall determine all the matters in dispute, and further directions are not required, and a rule for new trial nisi shall not be obtained from the Judge or taken under the Statute, final judgment may forthwith be entered on the verdict as the Judge who tried the issues may direct; and if parties to such issues shall, either before or after the trial, agree for the adjustment of the suit or of any of the matters in dispute therein, it shall be in the power of the Judge on Circuit to make such orders or enter such judgments as he may think proper for carrying into effect the agreement of the parties, but the interests of parties not duly represented shall not be thereby affected.

Final judgment.

Judgment by mutual agreement.

Rule nisi—how returnable.

22. The rule nisi for new trial in such cases shall be returnable before the Judge in Equity, and shall be heard either before him alone or with the associated Judges, and if deemed expedient by the Court may be argued at the hearing, when a hearing is required.

Addition to rules.

23. After rule eight, in section eighteen, there shall be added the rules following, and be it enacted as follows, viz. :

PARTIES.

Who to be made parties to foreclosure suits.

RULE 9.—In foreclosure suits, except when otherwise ordered, it shall not be necessary to make the heirs at law, or devisees, or widow of a deceased mortgagor parties, but the executor or administrator may be proceeded against, and if there be no executor or administrator within the jurisdiction, the cause may be commenced by petition, setting forth the facts of the case, and praying foreclosure and sale, and the Court may appoint a party to defend, and may direct such proceedings as may be necessary for promoting the just claims of the plaintiff, and protecting the rights of any parties who may be interested in the mortgaged premises or proceeds thereof, nor shall it be necessary to make *cestui que* trusts, or subsequent incumbrancers parties, but the Court may direct by rule or order in the cause such proceedings as may be deemed necessary to protect their rights.

When no Executor or Administrator, cause may be commenced by petition.

Proceedings when deceased person interested in suit has no personal legal representatives.

RULE 10.—If in any suit, or other proceedings before the Court, it shall appear to the Court that any deceased person who was interested in the matters in question has no legal personal representatives, it shall be lawful for the Court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit, or other proceedings, on such notice to such person or persons, if any, as the Court shall think fit, either specially or generally, by public advertisements. And the order so made by the Court, or any orders consequent thereon, shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such representative had been a party to the proceedings or suit, and had appeared and submitted his rights and interests to the Court.

Sale by subsequent incumbrancer not allowed without consent of previous ones.

24. And it is enacted further as follows :  
If, in any foreclosure suit, the sale of the mortgaged property shall be sought by a subsequent mortgagee or incumbrancer, or by the mortgagor, or by any persons claiming under them respectively, the Court shall not direct any such sale without the consent of the first mortgagee, or the persons claiming under him, except upon such terms as the Court may think fit and proper, and which terms may include the deposit of money in Court.

Proviso.

## CHAPTER 12.

## An Act to amend Chapter 154 of the Revised Statutes, "Of the Limitations of Actions."

(Passed the 7th day of May, A. D. 1866.)

## Preamble.

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| <ol style="list-style-type: none"> <li>1. Limitation of time in which to make entry or distress, or bring action to recover land.</li> <li>2. Right of action when first accrued. On dispossession. On death. Alienation. Reversionary interest. Forfeiture or breach of condition.</li> <li>3. Right when first accrued in case of tenant at will.</li> <li>4. In case of tenant from year to year.</li> <li>5. Mere entry not deemed possession.</li> <li>6. No continual or other claim shall preserve right of entry, &amp;c.</li> <li>7. Possession of one co-parcener, &amp;c., not to be the possession of the others.</li> <li>8. Acknowledgment in writing given to the person entitled, or his agent, to be equivalent to possession or receipt of rent.</li> <li>9. When no such acknowledgment given before passing of this act; though 20 years may have passed, action may be brought within 5 years after passing of act.</li> <li>10. Persons under disability of infancy, lunacy, &amp;c., or their representatives, allowed ten years from termination of their disability or death.</li> <li>11. But no action, &amp;c., shall be brought 40 years after action accrued.</li> <li>12. Mortgages and legacies deemed satisfied at end of twenty years, if no interest be paid or acknowledgment in writing in the meantime.</li> <li>13. No arrears of dower recoverable after six years.</li> </ol> | <ol style="list-style-type: none"> <li>14. No arrears of rent or interest to be recovered after six years.</li> <li>15. Limitation of time for commencement of particular actions. Actions of demise or bonds, &amp;c., within ten years after end of session, or twenty years after cause of action. Actions for damages one year after present session, or two years after cause of action. Other actions within three years after session, or six years after cause of action. Actions brought under particular Statutes excepted.</li> <li>16. Limitation in cases of infancy, lunacy, coverture, or absence from Province.</li> <li>17. Written acknowledgment or part payment. Acknowledgment may be stated by way of replication.</li> <li>18. Certain claims not defeated by shewing only that the enjoyment began more than twenty years ago. Indefeasible if enjoyed over forty years.</li> <li>19. Access and use of light enjoyed for twenty years indefeasible. Exception.</li> <li>20. Terms of years how calculated, and what acts only shall be interruption to the prescription.</li> <li>21. No presumption admissible or proof of enjoyment for less period than prescribed by this act.</li> <li>22. Time during which party could not act through infancy, &amp;c., not to be computed against him.</li> <li>23. Terms of years, &amp;c., excluded from computation in certain cases.</li> </ol> |
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Whereas, it is advisable to assimilate the law of this Province to that of England with regard to the Limitations of Actions and suits relating to real property and the time of prescription.

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

1. From and after the thirty-first day of December, one thousand eight hundred and sixty-six, no person shall make an entry or distress, or bring an action to recover any land or rent, but within twenty years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within twenty years next after the time

Preamble.

Limitation of time in which to make entry or distress or bring action to recover land.

at which the right to make such entry or distress or to bring such action shall have first accrued to the person making or bringing the same.

Right of action when first accrued.

On dispossession.

On death.

Alienation.

Reversionary interest.

Forfeiture or breach of condition.

Right when first accrued in case tenant at will.

2. In the construction of this Act, the right to make an entry or distress, or bring an action to recover any land or rent, shall be deemed to have first accrued at such time as herein-after is mentioned, (that is to say), when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits or rent were or was so received; and when the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such lands or rent shall claim in respect of an estate or interest in possession granted, appointed, or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate, or interest in the possession or receipt of the profits of the land, or in receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or the receipt of the profits of such land or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate and interest in possession; and when the person claiming such land or rent, or the person through whom he claims shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

3. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent as tenant at will, the right of the person entitled subject thereto, or the person through whom he claims, to make an entry or distress or bring an action to recover such land or rent, shall be deemed

to have first accrued either at the determination of such tenancy or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined. Provided always, that no mortgagor or *cestui que* trust shall be deemed to be a tenant at will, within the meaning of this clause, to his mortgagee or trustee.

4. When any person shall be in possession or receipt of the profits of any land or in receipt of any rent, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or to bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received (which shall last happen).

In case of tenant from year to year.

5. No person shall be deemed to have been in possession of any land within the meaning of this act merely by reason of having made an entry thereon.

Mere entry not deemed possession.

6. No continual or other claim, upon or near any land, shall preverve any right of making an entry or distress, or of bringing an action.

No continual or other claim shall preserve right of entry, &c.

7. When any, or more, of several persons entitled to any land or rent as co-parceners, joint tenants, or tenants in common, shall have been in possession or receipt of the entirety or more than his or their undivided share or shares of such lands or of the profits thereof, or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons or of any of them.

Possession of one co-parcener &c., not to be the possession of the others.

8. Provided always, that when any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent in writing, signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given, shall be deemed, according to the meaning of this act, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given, at the time of giving the same, and the right of such last mentioned person, or any person claiming through him, to make an entry or distress or bring an action to recover such land or rent shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments if more than one was given.

Acknowledgment in writing given to the person entitled, or his agent, to be equivalent to possession or receipt of rent.

When no such acknowledgment given before passing of this act, though twenty years have passed, action may be brought within five years after passing of act.

Persons under disability of infancy, lunacy, &c., or their representative, allowed ten years from termination of their disability or death.

But no action, &c., shall be brought forty years after action accrued.

Mortgages and legacies deemed satisfied at end of 20 years if no interest be paid or acknowledgment in writing in the meantime.

9. Provided also, that when no such acknowledgment as aforesaid shall have been given before the passing of this act, and the possession or receipt of the profits of the land, or the receipt of the rent, shall not at the time of the passing of this act have been adverse to the right or title of the person claiming to be entitled thereto, then such person or the person claiming through him, may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such land or interest at any time within five years next after the passing of this act.

10. Provided always, that if at the time at which the right of any person to make an entry or distress or bring an action to recover any land or rent shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, (that is to say,) infancy, coverture, idiotcy, lunacy, unsoundness of mind, or absence from the Province, then such person, or the persons claiming through him, may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress or bring an action to recover such land or rent at any time within ten years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died (which shall have first happened).

11. Provided nevertheless, that no entry, distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

12. From and after the thirty-first day of December, one thousand eight hundred and sixty-six, no action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal money, or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent,

and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given.

13. From and after the thirty-first day of December, one thousand eight hundred and sixty-six, no arrears of dower nor any damages on account of such arrears shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

No arrears of dower recoverable after six years.

14. From and after the thirty-first day of December, one thousand eight hundred and sixty-six, no arrears of rent or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy, or of any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action or suit but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto, or his agent, signed by the person by whom the same was payable, or his agent.

No arrears of rent or interest to be recovered after six years.

15. All actions for rent upon an indenture of demise, all actions upon any bond or other specialty, and all actions of *scire facias* upon any recognizance, or actions for an escape, or for money levied on any execution, and all actions for penalties, damages, or sums of money given to the party grieved, by any statute now or hereafter to be in force, that shall be sued or brought at any time after the end of the present session of Assembly, shall be commenced and sued within the time and limitation hereinafter expressed, and not after: that is to say, the said actions for rent upon an indenture of demise, or upon any bonds or other specialty, actions of *scire facias* upon recognizance within ten years after the end of this present session, or within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved, one year after the end of this present session, or within two years after the cause of such actions or suits, but not after; and the said other actions within three years after the end of this present session, or within six years after the cause of such actions or suits, but not after; provided that nothing herein contained shall extend to any action given by any statute where the time for bringing such action is or shall be by any statute specially limited.

Limitation of time for commencement of particular actions.

Actions of demise, or bonds, &c., within ten years after end of session or 20 years after cause of action.

Actions for damages one year after present session, or two years after cause of action. Other actions within three years after session, or six years after cause of action. Actions brought under particular Statutes excepted.

16. If any person or persons that is or are or shall be entitled to any such action or suit, or to such *scire facias*, is or are or shall be at the time of any such cause of action accrued within the age of twenty-one years, *feme covert*, *non compos mentis*, or out of the Province, then such person or persons shall be at liberty to bring the same actions so as they commence the same within such times after their coming to or being of full age, discover, of sound memory, or returned to the Province, as other persons having no such impediment

Limitation in cases of infancy, lunacy, coverture, or absence from Province.

should according to the provisions of this act have done, and that if any person or persons against whom there shall be any such cause of action, is or are or shall be at the time such cause of action accrued, out of the Province, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons within such times as are before limited after the return of such person or persons into the Province.

Written acknowledgment or part payment

17. If any acknowledgment shall have been made either by writing signed by the party liable by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment, or part satisfaction on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid, and so acknowledged to be due, within twenty years after such an acknowledgment by writing or part payment or part satisfaction as aforesaid, or in case the person or persons entitled to such action shall at the time of such acknowledgment be under such disability as aforesaid, or the party making such acknowledgment, be, at the time of making the same, out of the Province, then within twenty years after such disability shall have ceased as aforesaid, or the party shall have returned into the Province, as the case may be; and the plaintiff or plaintiffs in any such action on any indenture, specialty or recognizance may, by way of replication, state such acknowledgement, and that such action was brought within the time aforesaid in answer to a plea of this statute.

\*Acknowledgment may be stated by way of replication.

Certain claims not defeated by showing only that the enjoyment began more than 20 years ago.

18. No claim which may be lawfully made at the common law, by custom, prescription or grant, to any way or other easement, or to any water-course, or the use of any water to be enjoyed or derived upon, over of from any land or water of Our Lady the Queen her heirs or successors, or being the property of any ecclesiastical or lay person, or body corporate, when such way or other matter as herein last before mentioned shall have been actually enjoyed by any person claiming right thereto without interruption for the full period of twenty years, shall be defeated or destroyed by showing only that such way or other matter was first enjoyed at any time prior to such period of twenty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and where such way or other matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full period of forty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed, by some consent or agreement expressly given, or made for that purpose by deed or writing.

Indefeasible if enjoyed over 40 years.

Access and use of light enjoyed for 20 years indefeasible.

19. When the access and use of light to and for any dwelling-house, work-shop, or other building shall have been actually enjoyed therewith for the full period of twenty years

without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing. Provided always, that this section shall not extend to the city of Halifax.

Exception.

20. Each of the respective periods of years in the eighteenth and nineteenth sections mentioned shall be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate shall have been or shall be brought into question, and no act or other matter shall be deemed to be an interruption within the meaning of this statute, unless the same shall have been or shall be submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof, and of the person making or authorizing the same to be made.

Terms of years how calculated, and what acts only shall be interruption to the prescription

21. In the several cases mentioned and provided for in sections eighteen and nineteen of this act, no presumption shall be allowed or made in favor or support of any claim, upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in said sections as may be applicable to the case and to the nature of the claim.

No presumption admissible or proof of enjoyment for less period than prescribed by this act.

22. Provided also, that the time during which any person otherwise capable of resisting any claim to any of the matters in sections eighteen and nineteen mentioned shall have been or shall be an infant, idiot, *non compos mentis*, *feme covert*, or tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

Time during which party could not act through infancy &c., not to be computed against him.

23. Provided always, that when any land or water upon over or from which any such way or watercourse or use of water in the eighteenth section mentioned shall have been or shall be enjoyed or derived, hath been or shall be held under or by virtue of any term of life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter as herein last before mentioned during the continuance of such terms shall be excluded in the computation of the said period of forty years in case the claim shall within three years next after the end or sooner determination of such term be resisted by any person entitled to any reversion expectant on the determination thereof.

Terms of years, &c., excluded from computation.

## CHAPTER 13.

## An Act to amend the Laws relating to Divorce and Matrimonial Causes.

(Passed the 7th day of May, A. D. 1866.)

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| <ol style="list-style-type: none"> <li>1. Sections 1, 2 and 3, chapter 126, Revised Statutes, and section 10, chapter 1, acts 1865, repealed. Chapter 126 amended.</li> <li>2. Style of Court changed to Court for Divorce and Matrimonial Causes. The present Vice President shall compose the Court under the style of the Judge Ordinary. In case of vacancy, Equity Judge shall be Judge Ordinary.</li> <li>3. During illness or absence of Judge Ordinary, Chief Justice or one of Judges to take his place.</li> <li>4. Seal of Court. Sealed papers of Court to be evidence.</li> <li>5. Present Registrar continued. Vacancies—how filled.</li> <li>6. Appeal within fourteen days.</li> <li>7. After decree of dissolution, sustained on appeal, the parties may marry again. No penalty for minister refusing to marry such parties.</li> <li>8. Powers of Court similar to Court for Divorce and Matrimonial Causes in England.</li> </ol> | <ol style="list-style-type: none"> <li>9. The Court, on decree of dissolution of marriage, may order husband to pay alimony.</li> <li>10. Powers of Court as to maintenance of children, &amp;c., same as English Court, except as altered by this act. Co-Respondents not admitted, nor trial of issue of fact by jury.</li> <li>11. Examination of witnesses. Rules of evidence of Supreme Court to be observed. In cases of cruelty husband and wife are competent witnesses.</li> <li>12. Perjury.</li> <li>13. Court shall make rules to come into operation when published in "Royal Gazette."</li> <li>14. Judge Ordinary may sit in Chambers same as open Court.</li> <li>15. The Court and Appeal Court may make orders regarding costs. No appeal for costs only.</li> <li>16. Affidavits, &amp;c., taken abroad, admissible as evidence.</li> </ol> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. The first, second and third sections of Chapter 126 of the Revised Statutes, and section ten of chapter one of the Acts of the General Assembly of 1865 are repealed, and Chapter 126 is amended as follows:

2. The style of the Court is changed from the Court of Marriage and Divorce to the Court for Divorce and Matrimonial Causes. The present Vice President shall compose the Court, and exercise the powers thereof, under the title of the Judge Ordinary of the Court for Divorce and Matrimonial Causes, as well in all causes and proceedings now pending therein as in all causes and proceedings hereafter to be prosecuted and had, and when a vacancy shall occur the Judge in Equity for the time being shall be the Judge Ordinary of the said Court.

3. During the illness or temporary absence of the Judge Ordinary the Governor in Council, if occasion shall require, may appoint by warrant under his hand and seal the Chief Justice, or one of the Judges of the Supreme Court, to act as Judge Ordinary during such illness or absence, who, when so acting, shall have and exercise all the powers and jurisdiction which might have been exercised by the Judge Ordinary.

4. The Governor shall direct a seal to be made for the said court, and may direct the same to be broken, altered, or re-

Secs. 1, 2 and 3, cap. 126, Revised Statutes, and section 10, cap. 1, acts 1865, repealed. Cap. 126 amended.

Style of Court changed to Court for Divorce and Matrimonial Causes.

The present Vice President shall compose the Court under the style of the Judge Ordinary in case of vacancy, Equity Judge shall be Judge Ordinary

During illness or absence of Judge Ordinary Chief Justice or one of Judges to take his place.

Seal of Court.

newed at his discretion; and all decrees and orders, or copies of decrees, orders or proceedings of the said Court, sealed with the said seal, shall be received in evidence.

Sealed papers of Court to be evidence.

5. The present Registrar shall continue in office, and on any vacancy occurring the Governor shall appoint the Registrar of the said Court.

Present Registrar continued. Vacancies — how filled.

6. Either party dissatisfied with any decision of the Court may, within fourteen days after the pronouncing thereof, appeal therefrom to the Judges of the Supreme Court, of whom three at the least in addition to the Judge Ordinary shall form a quorum, and on the hearing of any such appeal the Appeal Court may either dismiss the appeal or reverse the decree or remit the case to the Court, to be dealt with as the Appeal Court shall direct.

Appeal within fourteen days.

7. After the period limited for appealing shall have expired, and no appeal shall have been presented against such decree of dissolution of marriage, or when any such appeal shall have been dismissed, or when on the result of any appeal any marriage shall be declared to be dissolved, and not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death; but no minister shall be liable to any penalty for refusing to publish banns of marriage or to solemnize a marriage either after banns or by license in any case where either of the persons desiring to be married shall have been so divorced.

After decree of dissolution, sustained on appeal, the parties may marry again.

No penalty for minister refusing to marry such parties.

8. It is not intended by anything herein to abridge the jurisdiction of the Court, as expressed in sections four, five, and six, of chapter 126 of the Revised Statutes, hereby amended, but to extend to it certain powers conferred on the Court for Divorce and Matrimonial Causes in England, and to incorporate therewith as far as suitable and appropriate the principles and practice that prevail in that court; but no marriage shall hereafter be decreed to be null and void by reason of præ contract.

Powers of Court similar to Court for Divorce and Matrimonial Causes in England.

9. The Court may if it shall see fit on any decree for dissolution of marriage, order that the husband shall to the satisfaction of the Court secure to the wife such gross sum of money, or such annual sum of money, for any term not exceeding her own life, as having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties it shall deem reasonable, and in respect thereof shall have the like powers as are possessed by the said Court in England.

The Court on decree of dissolution of marriage, may order husband to pay alimony.

10. The Court shall have the same powers in respect of or as incidental to divorce and matrimonial causes, and the custody, maintenance and education of children as are possessed by the Court for Divorce and Matrimonial Causes in England, except as enlarged or abridged or altered or modified by this act, and the act hereby amended. But in causes instituted on the ground of adultery the Court shall not have authority to permit the introducing co-respondents or to try the issue of fact by jury.

Powers of Court as to maintenance of children, &c., same as English Court, except as altered by this act.

Co-Respondents not admitted, nor trial of issue of fact by jury.

Examination of witnesses.

Rules of evidence of Supreme Court to be observed.

In cases of cruelty, husband and wife are competent witnesses.

Perjury.

Court shall make rules to come into operation when published in Royal Gazette.

Judge Ordinary may sit in Chambers same as open Court.

The Court and Appeal Court may make orders regarding costs. No appeal for costs only.

Affidavits, &c., taken abroad, admissable as evidence.

11. The examination of witnesses shall take place before an examiner to be appointed by the Court, unless oral examination shall be directed. And the rules of evidence observed in the Supreme Court shall be applicable to and be observed in the trial of all questions of fact in this Court. And all acts of the Assembly that relate to the examining of witnesses *de bene esse*, or abroad, or the taking of evidence, or depositions, shall equally apply to this Court as to the Supreme Court unless in cases where special exceptions preclude. But in proceedings by a wife by reason of adultery, coupled with cruelty, nothing in the forty-fourth or forty-sixth sections of chapter 135 of the Revised Statutes shall prevent the husband and wife respectively from being competent and compellable to give evidence of or relating to such cruelty.

12. All persons wilfully deposing or affirming falsely in any proceedings before the Court shall be deemed guilty of perjury, and shall be liable to all the pains and penalties attached thereto.

13. The Court shall make such rules and regulations concerning the practice and procedure of the Court as it may from time to time consider expedient, and shall have full power from time to time to revoke or alter the same. But such rules shall not go into operation until they shall have been published in the Royal Gazette.

14. The Judge Ordinary may sit at Chambers when he shall deem it expedient to do so, and when so sitting shall have and exercise the same powers and jurisdiction in respect to the business to be brought before him as if sitting in open Court. And the Judge Ordinary when sitting in open Court and at Chambers shall have and exercise the like authority and control over the persons appearing or practising before him as the Judges of the Supreme Court have and exercise over persons appearing and practising before them therein.

15. The Court on the hearing of any suit, proceeding, or petition, and the Appeal Court on the hearing of any appeal, may make such order as to costs as to such Courts respectively may seem just. Provided that there shall be no appeal on the subject of costs only.

16. Affidavits, declarations, or affirmations, taken in such manner as to be use in the Supreme Court, whether taken in England or in any of Her Majesty's possessions, or in parts out of Her Majesty's dominions, may be received as sufficiently authenticated by the Court, subject to the rules of the Court.

## CHAPTER 14.

An Act to amend Chapter 91 of the Revised Statutes, "Of the maintenance of Bastard Children."

(Passed the 7th day of May, A. D. 1866.)

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

1. In case a party on whom an order of filiation has been made shall fail to give bonds to fulfil the same, or shall fail to pay to the overseers of the poor the sum of eighty dollars, as required by section five of the chapter hereby amended, or shall not have been committed to jail thereunder, it shall be lawful for two Justices of the Peace, on application of an Overseer of the Poor or some substantial householder of the said Township, to issue a warrant of distress against the said party, directed to a constable, commanding him to levy off the goods and chattels of such person the said sum of eighty dollars, with constable's and justice's fees, which sum when so collected shall be paid over to the overseers of the poor for the support of said child or other town purposes, and such proceeding shall relieve the said party from further liability in reference to said order of filiation.

When person on whom order of filiation has been made fails to pay \$80. or give bonds, and is not imprisoned, two Justices may issue distress for amount.

## CHAPTER 15.

An Act to amend Chapter 131 of the Revised Statutes, "Of Trusts and Trustees."

(Passed the 7th day of May, A. D. 1866.)

1. Trustees, guardians, &c., may mortgage real estate for the purpose of keeping in repair—  
The Court may apportion charge for repairs.
2. Guardians of lunatics may dispose of their real estate.

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

1. That under an order to be obtained from the Court of Equity upon grounds laid to the satisfaction of the Court, it shall be lawful for trustees, guardians, and others standing in a fiduciary relation, to mortgage real estate or portions thereof for the purpose of putting, keeping and maintaining the same in proper repair. And mortgages so made shall operate as securities to the holders in the same way and to the same extent as if made by the parties whose interests are represented by the mortgagors. Provided that the Court shall have power to apportion the charge for repairs, including interest on the sum borrowed to and among the parties interested in the property as may be just and equitable.

Trustees, guardians, &c., may mortgage real estate for the purpose of keeping in repair.

2. Guardians of lunatics and persons *non compos mentis*, by an order of the Court of Equity, may dispose of their real estate as provided by chapter 124 of the Revised Statutes in cases of the real estate of infants.

The Court may apportion charge for repairs.

Guardians of lunatics may dispose of their real estate.

## CHAPTER 16.

## An Act to amend the Law relating to the Division and Partition of Lands.

(Passed the 7th day of May, A. D. 1866.)

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

When real estate is sought to be divided, and heirs either decline to accept estate or portion thereof, or are incapable of doing so from minority, &c., Judge may order sale at public auction.

1. Whenever any real estate is sought to be divided either under the authority of the Court of Probate in cases of intestacy among the parties entitled to share therein or among tenants in common under the authority of the Supreme Court in proceedings in partition, and such real estate or any part thereof owing to any cause cannot be actually divided by metes and bounds without detriment and disadvantage to the parties entitled thereto, in case the heirs or other parties interested in such division should decline to accept such estate or portion thereof offered to them under section 41 of chapter 127 of the Revised Statutes "Of the Probate Court," or of section 22 of chapter 139 of the Revised Statutes "Of the partition of Lands," or should by absence, incapacity, or minority be prevented from accepting such estate or parcel thereof under the said sections, any Judge of the Supreme Court may order that such real estate or parcel thereof should be sold at public auction on such notice and in such manner as such Judge may direct, and the net proceeds of such sale shall be devisable among the parties entitled to said estate. And such Judge shall have power to direct a deed thereof to be executed, by which the purchaser shall have all the title of the several heirs or parties represented in such proceedings in the Probate Court or suit in partition ; and the Judge on such order may direct that such sale shall be made and the deed executed by the Sheriff of the county where the lands lie, who shall receive the sum of five dollars for making the sale, executing the deed, and paying over the money in lieu of all poundage.

Net proceeds divided among parties interested. Judge may direct deed to be executed passing title.

## CHAPTER 17.

## An Act to enforce the taking of the Oath of Allegiance.

(Passed the 7th day of May, A. D. 1866.)

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

Any person above 16 years old refusing to take oath of allegiance, guilty of misdemeanor and liable to six months imprisonment.

1. Whenever any person above the age of sixteen years shall refuse to take the oath of allegiance, when required by law to do so, in order to qualify himself for any office, the duties of which he is by law required to perform, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any

term not exceeding six months; and in case a militia man who shall be called out for militia drill or for actual service, or who shall have been enrolled or be liable to be enrolled as a militia man, or be drafted or be liable to be drafted for actual service, shall refuse or neglect to take the oath of allegiance when tendered to him by a Justice of the Peace or any commissioned officer in command of the regiment or company to which such militia man is attached, or in whose district he resides, he shall forthwith be lodged in the county jail on the warrant of the said justice or commissioned officer as aforesaid, there to remain in close custody for the period of six months, and if guilty a second time of a like offence he shall be imprisoned in the provincial penitentiary for a period not exceeding twelve months.

Penalty for militia man refusing to take oath.

First offence, six months imprisonment.

Second offence, twelve months in Penitentiary.

## CHAPTER 18.

### An Act to amend Chapter 70 of the Revised Statutes, "Of Provincial Government Railways."

(Passed the 7th day of May, A. D. 1866.)

1. Sec. 24, Cap. 70, repealed. 2. Governor in Council may advance compensation from Treasury for buildings taken for railway purposes. Amount to remain a county charge, and be repaid with interest.

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

1. Section twenty-four of the said act is hereby amended as follows:

2. Whenever it shall be found necessary to remove or destroy buildings upon any lands taken for railway purposes under the eleventh section of the chapter hereby amended, it shall and may be lawful for the Governor in Council, by order, to direct that the compensation for the same be advanced from the public treasury. Provided always, that the amount so advanced shall remain a county charge, and shall be assessed in accordance with the provisions of the act hereby amended, and when collected shall be repaid with interest into the provincial treasury.

Sec. 24, Cap. 70, repealed.

Governor in Council may advance compensation from Treasury for buildings taken for Railway purposes.

Amount to remain a county charge, and be repaid with interest.

## CHAPTER 19.

### An Act in addition to and to amend Chapter 169 of the Revised Statutes, "Of malicious injuries to Property."

(Passed the 7th day of May, A. D. 1866.)

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

1. Whosoever shall wantonly injure, poison, or destroy, any cattle or dogs, or shall wantonly place poison in such a position as to be easily partaken of by such cattle or dogs, shall be guilty of a misdemeanor, and be punished by fine or imprisonment at the discretion of the Court.

Any person wantonly poisoning dogs or cattle guilty of a misdemeanor.

CHAPTER 20.

An Act to compel the payment of balances due by applicants for Crown Lands.

(Passed the 7th day of May, A. D. 1866.)

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

Commissioner shall notify parties who owe balances to pay within three months.

In default of payment Government may dispose of lands.

1. In all cases where there remains a balance due upon petitions of applicants for Crown Lands, approved by the Government, it shall be the duty of the Commissioner of Crown Lands to notify the respective parties that unless within three months after notice served upon them they respectively pay the balances due by them, their interest in the said lands shall forthwith cease, and the same may be disposed of by the Government, at public auction or private sale, to the highest bidder,—and out of the proceeds the balance due shall be deducted, and the residue paid to the original applicant; provided that nothing herein contained shall extend to the Act passed in the year 1859 for the settlement of titles in Cape Breton.

CHAPTER 21.

An Act to provide a summary mode to recover possession of Crown Lands.

(Passed the 7th day of May, A. D. 1866.)

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| <ul style="list-style-type: none"> <li>1. Commissioner may give three months notice to quit.</li> <li>2. If possession is not given up, party may be arrested.</li> <li>3. Party so arrested shall be committed to jail until possession be given up, or bond given.</li> <li>4. When bond given case tried in summary way.</li> </ul> | <ul style="list-style-type: none"> <li>5. Title of Crown shall not be contested. Defendant may prove title through the Crown, or possession for twenty years.</li> <li>6. Court may order possession to be given to the Sheriff.</li> <li>7. Successful party may tax costs.</li> <li>8. Previous remedies for obtaining possession not affected by this act.</li> </ul> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

Commissioner may give three months notice to quit.

If possession is not given up party may be arrested.

1. The Commissioner of Crown Lands may give three months notice to quit and deliver up possession of any lot or piece of ungranted land to any person in possession thereof, or claiming any right or interest therein.

2. If, at the expiration of that time, the said possession be not given up, and the party still remain in possession, it shall be lawful for the Commissioner of Crown Lands, or any County Surveyor, to obtain a warrant from any Justices of the Peace to arrest the party upon whom such notice was served upon oath being made of the service of such notice and that

such party still remains in possession, or claims title to or an interest in the lands referred to in said notice.

3. The party shall be arrested by any sheriff or constable, under such warrant, and committed to the County or District Jail, there to remain until the said possession be given up, or until the party shall have entered into a bond, with two sufficient securities, to pay the costs of a prosecution, in case a judgment should be given in favor of such prosecution.

4. When any such bond shall have been entered into, the case shall be tried in a summary way in the Supreme Court.

5. On the trial thereof, the title of the Crown shall not be contested, but the defendant shall be at liberty to prove, in defence, either that he, or those under whom he claimed to hold possession, has or have derived title from the Crown of the lands in question, or that he was in possession of the whole of the land in dispute for at least twenty years.

6. The Court shall, if judgment be given in favor of the prosecution, order possession of the lands, to be delivered by the Sheriff to the County Surveyor, on behalf of the Crown.

7. The Court shall also award to the successful party the costs, as in summary cases, with such further costs as may be reasonable, and as may be taxed and allowed by a Judge.

8. Nothing herein contained shall be construed to affect or abridge any other legal remedy for obtaining possession of Crown Lands.

Party so arrested may be committed to jail until possession be given up, or bond given.

When bond given case tried in summary way.

Title of Crown shall not be contested.

Defendant may prove title through the Crown, or possession for 20 years.

Court may order possession to be given to Sheriff.

Successful party may tax costs.

Previous remedies for obtaining possession not affected by this act.

## CHAPTER 22.

### An Act to authorize the establishment of a Provincial Stock Farm.

(Passed the 7th day of May, A. D. 1866.)

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| 1. Board of Agriculture may purchase real estate not exceeding \$12,000 in value, and erect buildings, &c., for a Stock Farm. | 2. Fee simple vested in President of Board for time being. |
|                                                                                                                               | 3. Object of farm to keep and raise Provincial stock.      |

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

1. The Board of Agriculture may purchase, take, and hold real estate not exceeding twelve thousand dollars in value, for the purpose of establishing a stock farm, to be situated in some central locality, and from the funds at its disposal may expend such sum as may be necessary for providing suitable buildings thereon and in managing the farm.

2. The fee simple of such real estate shall be in the President of the Board for the time being, and the farm shall be conducted under the directions of the Board.

3. The object and use of the farm shall be for keeping thereon the stock belonging to the Province and raising pure or improved breeds for distribution therein, under such terms and conditions as the Board may determine.

Board of Agriculture may purchase real estate not exceeding \$12,000 in value, and erect buildings, &c., for a Stock Farm.

Fee simple vested in President for time being.

Object of farm to keep and raise Provincial stock.

## CHAPTER 23.

## An Act to amend Chapter 19 of the Revised Statutes, "Of Licenses for the Sale of Intoxicating Liquors."

(Passed the 7th day of May, A. D. 1866.)

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| 1. So much of sec. 14 of cap. 19 Revised Statutes as authorizing general licenses except in city of Halifax repealed. | 2. Inconsistent parts of said chapter repealed. |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|

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

So much of sec. 14 of cap. 19 Revised Statutes as authorizing general licenses except in city of Halifax repealed. Inconsistent parts of said chapter repealed.

1. So much of section 14 of chapter 19 of the Revised Statutes, "Of Licenses for the sale of intoxicating liquors," as authorizes the granting of general licenses, except in the city of Halifax, is hereby repealed.

2. So much of the said chapter and of the schedules thereto annexed as is consistent with the first section of this Act is repealed.

## CHAPTER 24.

## An Act to amend Chapter 15 of the Revised Statutes, "Of the Exportation of Goods and of Drawbacks."

(Passed the 7th day of May, A. D. 1866.)

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| 1. No goods to be exported from warehouse out of Province, except to port of entry. | 3. Board of Revenue may make arrangements for payment of drawbacks, &c.                                                                |
| 2. Time for production of certificate, six months instead of twelve months.         | 4. When unmanufactured imported articles have paid an export duty, Governor in Council may impose equal duty on manufactured articles. |

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

No goods to be exported from warehouse out of Province except to port of entry.

Time for production of certificate 6 mos. instead of 12 mos.

Board of Revenue may make arrangements for payment of drawbacks, &c.

When unmanufactured imported articles have paid an export duty Governor in Council may impose equal duty on manufactured article.

1. No goods shall be allowed to be exported from warehouse to any place without the Province that is not a port of entry.

2. The time for the production of certificate of export for drawback shall be six months instead of twelve months as provided by the eleventh section of the chapter hereby amended.

3. The Board of Revenue may make regulations from time to time for the allowance and payment of drawbacks on articles manufactured in this Province in whole or in part from raw or unmanufactured articles which on importation are subject to duty.

4. When raw or unmanufactured articles imported into this Province shall have levied upon them an export duty in any country from which they are imported, the Governor in Council may from time to time as may be necessary, by order, increase the duty on the manufactured article to the extent of the export duty so imposed.

## CHAPTER 25.

## An Act to amend Chapter 65 of the Revised Statutes, "Of the Preservation of Roads."

(Passed the 7th day of May, A. D. 1866.)

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

1. The wages for a foreman or laborer under section 12 of the Chapter hereby amended shall not exceed one dollar per day, and so much of the section as restricts such wages to ninety cents is hereby repealed.

Wages of foreman and laborers raised to \$1.00 per day.

## CHAPTER 26.

## An act to amend Chapter 25 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 7th day of May, A. D. 1866.)

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

1. The proviso contained in the latter part of section 34 of the said chapter is hereby repealed.

Proviso contained in Sec. 24 repealed.

## CHAPTER 27.

## An Act further to amend Chapter 79 of the Revised Statutes, "Of Pilotage, Harbors, and Harbor Masters."

(Passed the 7th day of May, A. D. 1866.)

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| 1. Sessions of Yarmouth may direct or prevent removal of sand, &c., from harbors within township. | 2. Sec. 32, cap. 79, Revised Statutes, preventing stone, &c., being taken from Fish Point, is repealed. |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. At any General or Special Sessions of the Peace for the township of Yarmouth, regulations may be made to allow the removal of sand, gravel, or stones from any of the shores or beaches round the harbors of Yarmouth, Chebogue, Cook's Harbor, or Kelly's Cove, or near thereto, within that township, or to prevent the removal of sand, gravel, or stones from the shores or beaches of the said harbors, or adjacent thereto; and penalties may be affixed not to exceed twenty dollars for the breaking of such regulations.

Sessions of Yarmouth may direct and prevent removal of sand, &c., from harbors within township.

2. Section 32 of chapter 79 of the Revised Statutes, "Of Pilotage, Harbors, and Harbor Masters," for the prevention of stone or ballast being taken from the bar or beach called the Fish Point, on the western side of the harbor of Cape Fourchu, in the county of Yarmouth, is hereby repealed.

Sec. 32, cap. 72, Rev. Stats. preventing stone, &c. being taken from Fish Point is repealed.

## CHAPTER 28.

## An Act to amend Chapter 120 of the Revised Statutes, "Of the Solemnization of Marriage, and the Registration of Marriages, Births, and Deaths."

(Passed the 7th day of May, A. D. 1866.)

1. Governor in Council may prescribe forms, &c. Definition of terms.
2. All duly ordained ministers may solemnize marriage by license or banns.
3. Publication of banns—how made.
4. Cases where minister can refuse to publish banns.
5. Blank licenses sealed by Governor furnished to Chairman of Board of Statistics for distribution to Issuers of Licenses. Postmasters and way office keepers to be selected as Issuers.
6. Deputy Registrars answerable for licenses at rate of \$2.50 each.
7. Mode in which Deputy Registrar shall fill up license when applied for. Bond.
8. Deputy Registrar shall record issue of license and proceedings had thereon.
9. Clergyman shall register particulars of all marriages celebrated by him in forms furnished by Deputy Registrar.
10. Births—by whom and how registered.
11. All births to be registered within sixty days. Penalty for not registering.
12. Illegitimate children—how registered.
13. Marine register book of births.
14. What particulars must be stated in registering births.
15. Deaths—by whom and how registered.
16. When new born child is found exposed—person so finding it shall notify Registrar.
17. Coroner shall notify Registrar of inquest held by him.
18. Medical attendant shall transmit to Deputy Registrar certificate of cause of death. Blank forms supplied by Dep. Registrar.
19. Deaths at sea—how registered.
20. Deputy Registrars required to ascertain, as far as possible, all marriages, births and deaths in his vicinity. When persons not able to write. Governor in Council may define limits of Deputy Registrar's jurisdiction. Errors in registry—how corrected. Envelopes enclosing returns, &c.—how marked.
21. Clergyman shall return to Deputy Registrar every marriage license used by him within ten days after marriage.
22. Shall keep a register of all marriages solemnized by him, and shall return same to Issuer.
23. Issuers of marriage licenses shall make quarterly returns to Chairman of Board of Statistics.
24. Deputy Registrars shall make the following returns to Chairman of Board of Statistics: 1 All licenses issued and returned to him. 2 Bonds. 3 Registers of marriages returned by clergymen. 4 His own records of marriages. 5 Certificates of births. 6 Certificates of deaths. 7 All returns required under this chapter.
25. Deputy Registrars shall account to the Chairman of Board of Statistics for all licenses received by him.
26. Returns by Sec'y of Board of Statistics.
27. Fees of Deputy Registrars. 1 Twenty-five cents for returns specified in sec. 23. 2 On entry of births, ten cents. 3 Ten cents, entry of death. 4 Annual salary.
28. Penalty for solemnizing marriage otherwise than as provided for in this act.
29. Penalty for minister refusing to make returns specified in 3rd and 4th secs.
30. Penalty for falsifying marriage license.
31. Penalty when clergyman does not return marriage license within time herein specified.
32. Penalty for neglect of duty by Deputy Registrars.
33. Persons making false statements relating to registry under this act guilty of perjury.
34. Penalty for neglecting to notify death.
35. Penalty for neglecting to notify finding of new born child.
36. Penalty for neglect of duty by coroners and physicians.
37. Fictitious notices of births, marriages, or deaths sent to newspapers.
38. Fines and fees payable to Deputy Registrars—how recovered.
39. Fines, &c., not made payable to Deputy Registrars—how recovered.
40. Actions—how conducted.
41. Chairman of Board of Statistics shall transcribe in separate books all returns sent him.
42. Shall keep indices of several books.
43. Books open to inspection. Fee for examination.
44. Fee for certificate.
45. Cap. 120, Rev. Statutes, and cap. 31, 1865, repealed.

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

1. The Governor in Council may from time to time prescribe and change forms to be used into the carrying into operation of, and for facilitating and rendering uniform the duties to be performed under this chapter, and which forms shall be used under the provisions, penalties, and obligations of this chapter, in the same manner as if set out in a schedule hereto and specially referred to. Unless from the context the meaning is evidently different, the terms Deputy Registrars mean the Issuers of Marriage Licenses, and Deputy Registrars of Marriages, Births, and Deaths, and Occupier, shall include Master, Governor, Keeper, Steward, resident Medical Officer, or Superintendent of gaol, prison, or penitentiary, poors' asylum, hospital, lunatic asylum, or other public or private charitable institutions.

Governor in Council may prescribe forms, &c.

Definition of terms.

2. Every person recognized as a duly ordained minister by any congregation or body of christians within this Province, may solemnize marriage by license, or after publication of banns, in conformity with the provisions of this chapter.

All duly ordained ministers may solemnize marriage by license or banns.

3. No person shall officiate in the solemnization of any marriage unless notice of such marriage shall have previously been given publicly during the time of divine service at three several meetings, at a place of public worship, on two or more Sundays, provided there shall be more than one public service in the said place of worship on each Sunday, otherwise at two several meetings on each Sunday, otherwise at two several meetings on two Sundays, in the place where at least one of the parties resides, or unless a license shall have been obtained, as herein prescribed, for the solemnization of such marriage.

Publication of banns—how made.

4. The officiating minister of a congregation at the place where either of the parties desiring to be married resides, shall give the notices in the preceding section mentioned, after having been requested to do so, unless in cases where compliance would be illegal or inconsistent with the rules and discipline of the church or congregation to which the minister or parties respectively belong.

Cases where minister can refuse to publish banns.

#### OF LICENSES FOR THE SOLEMNIZATION OF MARRIAGE.

5. The Governor may, from time to time, seal marriage licenses in blank, which shall be deposited by the Provincial Secretary with the Chairman of Board of Statistics for distribution, who shall place them in such number as may from time to time be required, together with an equal number of blank bonds, in the hands of persons to be appointed by the Governor in Council throughout the Province, to be issuers of marriage licenses and deputy registrars of marriages, births, and deaths, and who shall be so located as that no part of any county shall be at inconvenient distance from one of them. When it can

Blank licenses sealed by Governor furnished to Chairman of Board of Statistics for distribution: by Issuers of Licenses.

Postmasters and way office keepers to be selected as issuers.

be conveniently and properly done, postmasters and way office keepers shall be selected, and due publicity, under the direction of the Governor in Council, shall be given to these appointments and the objects of this chapter.

Dep. Registrars answerable for licenses at rate of \$2.50 each.

6. The deputy registrars shall deposit with the Chairman of Board of Statistics, a receipt for all the blank marriage licenses they shall respectively receive, for which they shall be answerable to him at the rate of two dollars and fifty cents for each license.

Mode in which Dep. Registrars shall fill up license when applied for.

7. When a marriage license is required for use, application shall be made to a deputy registrar, who, on receiving for the license two dollars and fifty cents, and on execution by the man contemplating marriage and sufficient sureties, of one of the bonds properly filled up, shall insert in one of the blank marriage licenses in his possession, the name of the minister to whom it is to be directed, and the names, abodes, and additions, of the man and woman to be married, and having subscribed it with his own name and the exact date of issuing, shall deliver the license so perfected to the party applying; and a marriage license shall not be issued or delivered except thus perfect and adapted for some particular marriage clearly expressed in it, and it shall not on any pretence be used for any other marriage. The bond, among other things, shall be conditioned for return of the license.

Bond.

#### FOR OBTAINING THE MATERIALS FOR THE REGISTRATION OF MARRIAGES, BIRTHS, AND DEATHS.

##### 1. *For Registration of Marriages.*

Dep. Registrar shall record issue of license and proceedings had thereon.

8. The deputy registrars shall record the issue of every license, with the date and the names of the clergyman, the parties and sureties, and shall record the return of every license, with the date when received by him, and the particulars of the marriage, and the name of the officiating clergyman as certified in the return.

Clergymanshall register particulars of all marriages celebrated by him in forms furnished by Dep. Registrar.

9. Every clergyman authorized by law to perform the marriage ceremony shall apply for, and shall, on application, obtain from the nearest deputy registrar, forms in which he shall register with the required particulars, all the marriages celebrated by him, whether by banns, license, or otherwise. But this shall not be construed to interfere with the keeping of any other marriage register he may be otherwise required or may see proper to keep.

##### 2. *For Registration of Births.*

Births—by whom and how registered.

10. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if none such be, then the occupier of the house or tenement in which to his knowledge such child

was born, or the nurse or some person present at the birth, shall, as soon after the birth as possible, give notice thereof to the nearest deputy registrar, who shall fill up the form to be provided for that purpose with the several particulars required in it, according to the knowledge of the informant, who shall thereupon sign the same. The deputy registrar shall subscribe his name as witness, and in case of his absence, some person authorized by him shall perform the duty and subscribe the record in his stead.

11. Every registration of a birth shall be made within sixty days after the date thereof, and every person who is by law required to notify or enter for registry any such birth, who shall fail to do so within said period of sixty days, shall be liable to a penalty of two dollars; but nothing contained herein shall prevent the subsequent registration of such birth within the period of one year.

All births to be registered within sixty days.

Penalty for not registering.

12. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and the person acknowledging himself to be the father, who, in that case, shall sign the register as informant, along with the mother; and in such case the deputy registrar shall write the word "illegitimate" under the child's name in the register.

Illegitimate children—how registered.

13. If any child of a parent usually resident in Nova Scotia shall be born at sea, and an entry of birth made in the vessel's log book, the deputy registrar may, on sufficient proof of the correctness of such entry, cause the same to be registered in a book for that purpose, called "the marine register book of births."

Marine register book of births.

14. When a birth is notified to the registrar, it shall be sufficient to state that the child is male or female, without giving any name other than that of the parents of the said child, or, if the child be illegitimate, of the mother of the said child, and the registrar shall receive and enter any additional name or names given to the said child within one year from the date of the birth, at the request of the parent or guardian of the said child.

What particulars must be stated in registering births.

### 3. *For the Registration of Deaths.*

15. Some person present at the death of any person, or the occupier of the house or tenement in which a death shall take place, or if the occupier be the person who shall have died, then some one or more of the persons residing in the house in which the death took place; or if such death shall not have taken place within a house, then any person present at the death, or having knowledge of the circumstances attending the same, shall, before the interment of the body, or within ten days after, supply to the nearest deputy registrar, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form to be provided,

Deaths—by whom and how registered.

and shall sign the form or certificate when filled up in presence of the deputy registrar, or of a witness in case of his absence; and the deputy registrar shall grant a certificate that such registration has been made, which, when required, shall be produced to the keeper of the cemetery, sexton, or other person employed to inter the deceased.

When new born child is found exposed, person so finding shall notify registrar.

16. If any person shall find exposed any new born child, he shall forthwith give notice of the finding of the same to the nearest deputy registrar, who shall, after the proper enquiry, take from the informant a certificate signed by him of so much of the particulars required to be registered as shall have been ascertained.

Coroner shall notify registrar of inquest held by him.

17. In every case in which an inquest shall be held on any dead body, the coroner shall communicate the finding of the jury by certificate, in writing, under his hand, to the nearest deputy registrar, within seven days after the holding of the inquest.

Medical attendant shall transmit to Deputy Registrar certificate of cause of death.

18. Every duly qualified medical practitioner who shall have been in attendance during the last illness, and until the death of any person, shall, within seven days after the death of such person, transmit to the nearest deputy registrar, a certificate under his signature of the cause of death, according to a form to be provided by the deputy registrar; and it shall be the duty of every duly qualified medical practitioner to apply for blank forms for this purpose.

Blank forms supplied by Dep. Registrar.

Deaths at sea—how registered.

19. If any person usually resident in Nova Scotia, or the child of any such person which shall be born at sea, shall die at sea, and an entry of the death be made at the time in the vessel's log book, the deputy registrar may, on sufficient proof of the correctness of such entry, cause the death to be entered in a book kept for that purpose, called "the marine register book of deaths."

Dep. Registrars required to ascertain, as far as possible, all marriages, births, and deaths in his vicinity. When persons not able to write.

20. It shall be the duty of every deputy registrar to ascertain, as far as may be in his power, the several marriages, births, and deaths occurring in his vicinity, and to cause the same to be registered under the provisions of this chapter. When persons whose signatures are required are unable to write, their cross or mark, made in the presence of, and attested by the deputy registrar, or a witness, shall be equivalent to signature. It shall be in the power of the Governor in Council, should it be found expedient for carrying out this act, from time to time, to cause the limits to be defined of all, or of some only, of the deputy registrar's jurisdiction under this chapter, and as occasion may require, to alter the same, of which due publicity shall be given. If any error shall be discovered to have been committed in the entry of any marriage, birth, or death, in any register, the person discovering the same shall forthwith give information thereof to the deputy registrar, and such deputy registrar is hereby authorized and required to investigate the circumstances of the case; and if he shall be

Governor in Council may define limits of Dep. Registrars' jurisdiction.

Errors in registry—how corrected.

satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry. Envelopes enclosing the papers or returns required to be transmitted, and made under this chapter, shall be marked "registration returns," with the signature of the officer or clergyman transmitting, subscribed, and no postage shall be paid or payable thereon.

Envelopes enclosing returns, &c.,—how marked.

#### RETURNS.

##### 1. *By Clergymen.*

21. Every clergyman shall return to the deputy registrar, by whom the same is subscribed, every marriage license used by him for the celebration of marriage, within ten days after such celebration, with the blank certificate endorsed thereon fully filled in and subscribed by himself, stating the fact of the celebration, the names, abodes, and additions of the couple married, the time and place of such marriage, and the names of at least two persons present thereat besides himself.

Clergyman shall return to Dep. Registrar every marriage license used by him within ten days after marriage.

22. Every clergyman or minister shall keep a register of all marriages solemnized by him, whether by banns or license, by filling up a blank form with all the particulars required concerning each marriage, and shall return it along with the license, or by itself if said marriage has been solemnized by banns, to the nearest issuer of marriage licenses, or the issuer from whom the license was received, within ten days after such celebration, and shall be entitled to receive twenty-five cents for each return of marriage so made, provided it has been made conformably to law.

Shall keep a register of all marriages solemnized by him, and shall return same to issuer.

23. Issuers of marriage licenses shall make returns to the chairman of the board of statistics on the first week of January, April, July, and October, of all marriages of which returns have been made to them by clergymen, which returns shall contain all the particulars given in the forms filled up and forwarded to them by said clergymen; and they shall receive twenty-five cents for each marriage so returned, to be paid out of the marriage license fund.

Issuers of marriage licenses shall make quarterly returns to Chairman of Board of Statistics.

##### 2. *By Deputy Registrar.*

24. Every deputy registrar shall, in the second week in January, April, July and October, in each year, return under his signature, to the chairman of the board of statistics, as follows:

Dep. Registrars shall make the following returns to Chairman of Board of Statistics.

(1.) All the licenses issued by him and returned to him, with all certificates of marriage returned to him.

All licenses issued and returned to him.

(2.) All bonds taken by him on the issue of marriage licenses.

Bonds.

(3.) All the registers of marriage returned to him by clergymen.

Registers of marriages returned by clergymen.

(4.) His own records of marriage licenses issued by, and certificates of marriage returned to him.

His own records of marriages.

Certificates of births.

Certificates of deaths.

All returns required under this chapter.

Dep. Registrars shall account to the Chairman of Board of Statistics for all licenses received by him.

Returns by Sec. of Board of Statistics.

(5.) All the declarations or certificates of birth made to him.

(6.) All the certificates or declarations of deaths and causes of deaths made to him.

(7.) And, generally, all the entries and returns required under this chapter to be made by the deputy registrar in relation to births, marriages, and deaths, together with an exact list of the documents returned signed by him.

25. Every deputy registrar shall also, within the first week of January, April, July and October, in each year, return to the chairman of the board of statistics, an account verified under oath, of all marriage licenses issued by him, and of the number of marriage licenses remaining in his hands, and shall pay, and with such account, transmit to the chairman of the board of statistics, the full amount of fees on all licenses issued by him, at two dollars and fifty cents for each license, deducting the sums paid by him to clergymen, under the twenty-second section, and of which he shall render an account under his signature.

### 3. *By Secretary of Board of Statistics.*

26. The secretary of the board of statistics shall, within the first week of February in each year, return to the Provincial secretary, for the information of the legislature, a separate account of moneys received for marriage licenses, and paid out of that fund under this chapter; also, an account of the marriage licenses issued and to whom, and the number standing still charged against each deputy registrar.

## OF REMUNERATION OF OFFICERS.

### 1. *The Deputy Registrar.*

Fee of Deputy Registrars.

25 cents for returns specified in sec. 23.

On entry of births, 10 cents.

10 cents, entry of deaths.

Annual salary.

27. The deputy registrar shall be entitled to receive the following fees, that is to say:

(1.) The remuneration for returns provided for in section 23 of this act.

(2.) Also, on making entry of each birth, a fee of ten cents, to be paid by the county treasurer out of the county funds.

(3.) Also, a fee of ten cents for every entry of death made by him under this chapter, to be paid by the county treasurer out of the county funds.

(4.) An annual salary of five dollars shall be paid to each deputy registrar, and seven dollars and fifty cents to each issuer of marriage licenses.

## PENALTIES.

Penalty for solemnizing marriage otherwise than as provided for in this act.

28. Every person who shall officiate in the solemnization of marriage, unless under license issued in conformity with the provisions of this chapter, or under banns or notices given in conformity with the provisions of this chapter, shall forfeit two hundred dollars.

29. Every officiating minister of a congregation, who shall in violation of the third and fourth sections, refuse or neglect to give the notices directed by those sections, shall, except as therein excepted, forfeit two hundred dollars, and shall be liable to an action for damages at the suit of either of the parties aggrieved.

Penalty for minister refusing to make return specified in secs. 3 and 4.

30. Any minister who shall use, and all persons who shall be instrumental in the using of, a marriage license that shall not have been perfected and filled up and subscribed by a deputy registrar, in manner as herein directed, and any person who shall alter or assist, or be concerned in altering any marriage license that has been so perfected, or shall celebrate or assist, or be concerned in celebrating any marriage under pretence of a marriage license issued for another and different marriage, shall, for every and each of the said offences, be liable to a penalty not exceeding two hundred dollars.

Penalty for falsifying marriage license.

31. Every clergyman who shall not, within ten days after the celebration of a marriage by him under license, return the license with a certificate of the performance of the ceremony as required by this chapter, and every clergyman entitled to solemnize marriage, who shall not within the time and in the manner required by the twenty-second section, make the return of marriages therein directed, to the issuer of marriage licenses from whom he received the blank forms, or if he shall not continue to be issuer of marriage licenses, then his successor, or otherwise to the nearest issuer of marriage licenses, or in case of absence from home or illness, then within ten days after return or recovery, shall for each neglect forfeit, for the use of the issuer of marriage licenses to whom the return should be made, four dollars, and for every day after such ten days until return shall be made as required by this chapter, twelve and one half cents.

Penalty when clergyman does not return marriage license within time herein specified.

32. Every deputy registrar who neglects or refuses, or without probable cause, omits to make any entry or fulfill any duty which by this chapter he ought to make or do, or who shall carelessly lose or injure any license or bond, register, entry, document, or paper which was in his possession, under this chapter, or who shall not, within the periods herein prescribed, make all the several returns and payments which by this chapter he ought to make, or who shall part with or allow to go out of his possession, any marriage license, except in conformity with the provisions of this chapter, or who shall in any other particular do anything contrary to the provisions of this chapter, or omit to do anything therein required, shall forfeit, to be paid to the Financial Secretary for the use of the marriage license fund, a fine of four dollars, and the further sum of twelve and one half cents for every day for which any such return or payment shall be delayed after the time within which the same should be made.

Penalty for neglect of duty by Dep. Registrars.

Persons making false statements relating to registry under this act guilty of perjury.

33. Every person who shall knowingly or wilfully make, or shall cause to be made, for the purpose of being inserted in any register of births, marriages, or deaths, any false statements touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if such person were guilty of wilful and corrupt perjury.

Penalty for neglecting to notify death.

34. Any person who, being required by this chapter to notify or enter for registry any death, shall fail to do so within the periods specified, shall be liable to a penalty of five dollars.

Penalty for neglecting to notify finding of new born child.

35. If any person required to give notice of the finding of any new born child, shall neglect to give such notice to some deputy registrar near the place within one week, such person shall be liable to a penalty not exceeding five dollars.

Penalty for neglect of duty by coroner and physicians.

36. Any duly qualified medical practitioner, or any coroner, failing to supply any certificate of cause of death, or any information required of them by the provisions of this chapter, within the time specified therein, shall be liable to a penalty not exceeding five dollars.

Fictitious notices of births, marriages, or deaths sent to newspapers.

37. Every person who shall wilfully send to any newspaper publisher, or other person, for publication in any newspaper in this province, a fictitious or false statement of the marriage or death of any person, or of the birth of any child, shall be guilty of a misdemeanor, and liable to fine or imprisonment, or both, at the discretion of the Supreme Court.

RECOVERY AND DISTRIBUTION OF PENALTIES AND FINES.

Fines and fees payable to Dep. Registrars—how recovered.

38. All fines and fees made payable to or for the use of a deputy registrar, may be sued for in the name of the party entitled as a private debt, and it shall be sufficient to state in the writ that the money is claimed for the defendant, neglect of duty, or for services performed by the plaintiff under this chapter, as the case may be.

Fines, &c., not made payable to Dep. Registrars—how recovered.

39. All fines, penalties, and forfeitures, which are not made payable to, or to the use of the deputy registrars, may be prosecuted by the Financial Secretary in the county or district wherein the offence occurred. The money when recovered, after deducting expenses, shall be applied one-half to the use of the marriage license fund, and the other half to the use of the county, to be paid to the county treasurer.

Actions—how conducted.

40. The actions shall be conducted as for private debts, and it shall suffice if the writs briefly state the offence committed.

Chairman of Board of Statistics shall transcribe in separate books all returns sent him.

41. The chairman of the board of statistics shall cause to be transmitted in separate books, all the particulars communicated to him by the deputy registrars, of the marriages, births, and deaths in each county, and the original returns, after they have been so transcribed, shall be arranged, indexed and bound, and transmitted to the registrar of deeds for the county to which they respectively belong, to be kept in his office for general reference.

Shall keep indices of several books.

42. He shall also keep separate alphabetical indices of the contents of the said books; and in the index to the marriage

record there shall be entered reference to the husband by his surname, and to the wife by her maiden name, and also by the surname of any husband she may have had.

43. All persons shall be entitled at all seasonable hours to search these records and to require and to receive extracts duly certified by the chairman of the board of statistics, which shall be evidence of the entry certified, and *prima facie* evidence of the facts asserted or claimed in the entry, and be accessible for examination on payment of twenty cents, and shall be *prima facie* evidence of the facts therein stated.

44. For every certificate of the registration of a marriage, birth, or death, the person requiring the same shall pay to the registrar, or to the chairman of the board of statistics, as the case may be, fifty cents.

45. Chap. 120 of the Revised Statutes, and Chap. 31 of the acts of 1865, are hereby repealed.

Books open to inspection.

Fee for examination.

Fee for certificate.

Cap. 120, Rev. Sta. and cap. 31, 1865, repealed.

## CHAPTER 29.

### An Act to provide against the introduction of Diseases amongst Horses and Cattle.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                  |                                                                                                           |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1. Governor in Council may make regulations to prevent introduction of disease among cattle, &c. | spread of disease, and for destruction of infected animals.                                               |
| 2. May make regulations for preventing                                                           | 3. Such regulations when published in Royal Gazette shall have effect of law--penalty for breach of same. |

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

1. The Governor in Council may, from time to time, make such regulations as may be necessary to prevent the introduction into this Province of infectious or contagious diseases amongst horses, cattle, sheep, or swine.

2. The Governor in Council may, in case such infectious or contagious diseases are introduced into the Province, make such regulations for the destruction of diseased horses, cattle, sheep, or swine, and for the prevention of the spreading of such diseases as from time to time may be necessary.

3. Such regulations, after having been published in the "Royal Gazette," shall have the force and effect of law; and any person convicted of infringing the same, shall be guilty of a misdemeanor, and be subject to fine and imprisonment, in the discretion of the Court.

Governor in Council may make regulations to prevent introduction of disease among cattle, &c.

May make regulations for preventing spread of disease and destruction of infected animals

Such regulations when published in Royal Gazette shall have effect of law: penalty for breach of same.

## CHAPTER 30.

## An Act to amend the Act for the Better Encouragement of Education.

(Passed the 7th day of May, A. D. 1866.)

1. Rates of teachers' pay from Province: 1st class male teacher, \$120; female teacher 1st class and male teachers 2nd class, \$90; female teachers 2nd class and male teachers 3rd class, \$60; female teachers 3rd class, \$45. Assistant teachers. Amount to be paid semi-annually, or rateably according to time employed. Superintendent, with approval of Council, may withhold grant.
2. Clerk of Peace for each county (city of Halifax excepted) shall add a sum equal to 30 cents a head to amount annually voted for county purposes. One-half to be paid half-yearly to order of School Commissioners. Half to Trustees of schools conducted under this act. Rate in which schools shall participate. Special aid for poor sec.
3. When majority of rate-payers of section, at a regularly called school meeting, determine on extra sum necessary for support of school, the same shall be assessed on real and personal property of section. Rates—how collected.
4. Clerk of the Peace shall notify Superintendent of Education and Inspector, of sum assessed.
5. Half of county rate for support of schools shall be advanced from Province in May of each year.
6. Where counties are divided into sessional districts, term "county" shall include districts.
7. \$10,400 to be drawn from treasury for school books, maps, &c., and publication of Educational Journal. Books to be supplied to Trustees at half cost. Copy of Journal to each Board of Trustees, &c.
8. Certificate required by 13 sec. of amended act to apply to county moneys only. Right to withhold aid as stated in 14th sec. of amended act to apply to provincial moneys only.
9. 3rd subdivision of 14th sec. amended act repealed. Cases when Commissioners may withhold county moneys.
10. Three Commissioners may perform duties prescribed by sec. 30 amended act.
11. Inspectors—how paid.
12. First subdivision of 13 sec. amended act repealed. Inspector shall be Clerk of County Boards.
13. Duties prescribed by 3rd sub. sec. 23 amended act to be performed by town clerk or clerk of peace.
14. School terms.
15. School sections altered by vote of two-thirds Commissioners.
16. School houses—how sold or site changed.
17. Special meetings of rate-payers—how called, &c.
18. Bond of Secretary of Trustees to be lodged with Clerk of Peace.
19. Sec. 49 of amended act and its sub-divisions repealed. (1) City of Halifax shall be one school section. Commissioners—how appointed. (2) Duties of Board of Commissioners. (3) Board of Commissioners may aid any city school provided it be a free school. (4) City Council shall assess sum required by Commissioners for school purposes. Amount—how levied and paid. (5) Amount thus collected—how applied. (6) Commissioners shall have power to borrow money for purchase, &c., of school houses, grounds, &c. (7) Commissioners may issue debentures chargeable on city. Interest on debentures. (8.) Title to public school property (except Halifax Grammar School) to be vested in Board of Commissioners. (9) Chairman of Board. (10) How far provisions of this and amended act apply to the city of Halifax. Pupils of one ward entitled to school privileges of any other.
20. Sections of amended act repealed. Secs. 10, 15, 16, 17, and 19, and remaining sections—when to come into operation.
21. Sums assessed on city for school purposes to be paid to Board of Commissioners.

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

## MODE OF SUPPORT.

1. Legally qualified teachers who shall have taught a school in accordance with this act and the act hereby amended during

Rates of teachers' pay from Province.

the school year shall receive from the Provincial treasury according to the following rates: male teachers of the first class, one hundred and twenty dollars; female teachers of the first, and male teachers of the second class, ninety dollars; female teachers of the second, and male teachers of the third class, sixty dollars; and female teachers of the third class, forty-five dollars. Assistant teachers, if provided with separate class-rooms and regularly employed at least four hours in each day, shall receive two-thirds of the amount given to principal teachers of the same class. All teachers shall receive semi-annually one-half the foregoing sums, or rateably according to the time they shall have satisfactorily taught a public school.

The Superintendent shall, with the approval of the Council of Public Instruction, withhold the Provincial grant, or a portion thereof, from any teacher who has not complied with the requirements of this act and the act hereby amended.

2. The Clerk of the Peace in each county, except as hereinafter provided in relation to the city of Halifax, shall add to the sum annually voted for general county purposes at the general sessions, a sum sufficient, after deducting costs of collection and probable loss, to yield an amount equal to thirty cents for every inhabitant of the county, according to the last census preceding the issue of the county rate-roll; and the sum so added shall form and be a portion of the county rates. One-half the sum thus raised shall be paid semi-annually by the county treasurer upon the order of the board or boards of school commissioners for the county.

One-half of the amount provided to be raised annually, as aforesaid, shall, at the close of each half-year, be apportioned to the trustees of schools conducted in accordance with this act and the act hereby amended, to be applied to the payment of teachers' salaries; and each school shall be entitled to participate therein, according to the average number of pupils in attendance and the length of time in operation, but shall receive no allowance for being in session more than the prescribed number of days in any one half-year.

Each board of commissioners shall, in May of each year, determine what sections under its supervision are entitled to special aid as poor sections during the following school-year, and the commissioners shall allow to the trustees of schools kept in any such sections one-third more per pupil from the county fund than the allowance to other sections; and the superintendent of education shall be empowered to increase the provincial allowance in the same proportion to any legally qualified teacher employed in any such section.

3. Any sum required by any section over and above the sums provided by the province and county for the support and maintenance of a public school or schools during the ensuing year, including the purchase or improvement of school grounds, the purchase, erection, furnishing, cleaning, or repairing of

First class male teachers \$120.

Female teachers 1st class and male teachers 2nd class \$90.

Female teachers 2nd class and male teachers 3rd class \$60.

Female teachers 3rd class \$45.

Asst. teachers.

Amount to be paid semi-annually or rateably according to time employed.

Superintendent, with approval of Council, may withhold grant.

Clerk of Peace for each county (city of Halifax excepted) shall add a sum equal to 30 cts. a head to amount annually voted for county purposes.

One-half to be paid half yearly to order of School Commissioners.

One-half to trustees of schools conducted under this act.

Rate in which schools shall participate.

Special aid for poor sections.

When majority of rate-payers of section, at regularly called school meeting, determine on extra sum necessary for support

of school, the same shall be assessed on real and personal property of section.

school-houses and out-buildings, rent of buildings or lands, insurance on school property, the purchase of fuel, prescribed school-books, maps, and apparatus, the payment of interest on money borrowed by the section, teachers' salaries, or any other expenses required in providing an efficient public school or schools in accordance with this act and the act hereby amended, shall be determined by a majority of the rate-payers of the section present at a regularly called school meeting; and any amount so determined shall be a charge on the section, and shall be levied on the real and personal property within the county of the residents of the section, according to the county rate-roll; and the trustees shall furnish to their secretary a list of the assessments under this clause, with instructions in writing thereon, signed by the trustees, authorizing and directing such secretary to collect from the persons therein named the amounts set opposite their names, and the secretary shall demand the several amounts from the persons so assessed; and in default of payment, the same shall be collected under and by virtue of the chapter of the Revised Statutes, "Of County Assessments," and of any acts in amendment thereof; and the trustees shall return such assessment to the general sessions, or to a special sessions held for that purpose, where appeals shall be had and determined.

Rates—how collected.

Clerk of the Peace shall notify Superintendent of Education and Inspector of sum assessed.

One-half of county rate for support of schools shall be advanced from Province in May of each year.

Where counties are divided into sessional districts term "county" shall include districts.

\$10,400 to be drawn from treasury for school-books, maps, &c., and publication of Educational Journal.

Books to be supplied to trustees at half cost.

Copy of Journal to each board of trustees, &c.

4. Each clerk of the peace shall, immediately upon making up the rate-roll in each year, notify the superintendent of education and the inspector of schools of the sum provided by county assessment for the support of schools during the ensuing year.

5. One-half the amount assessed as a county rate in the several counties for the support of schools shall be advanced from the provincial treasury in May of each year.

6. Where counties are divided into districts holding general sessions of the peace, the term "county" in this act shall, for all the purposes contained in this act, be held to include and apply to such districts as fully as if such districts had been especially mentioned therein.

7. The council of public instruction shall have power to draw annually from the treasury, upon the requisition of the superintendent of education, a sum not to exceed ten thousand four hundred dollars, to be applied by the superintendent, under the direction of the council, to the purchase of prescribed school-books, maps, and apparatus, and the publication of an educational journal; the former to be supplied at half cost to trustees, on their presenting a certificate that the articles required are for the exclusive use of public schools, and a copy of the Educational Journal shall be supplied gratuitously to each board of trustees for their own and the teachers' use, and where there are more than one licensed teacher employed, a copy to each such teacher; also a copy to each inspector, chairman of examiners and of commissioners.

## COMMISSIONERS.

8. The certificate required by the 13th section of the act hereby amended shall apply to county moneys only.

The right to withhold aid from any school section, as provided by the second sub-division of the 14th section of the act hereby amended, shall extend to all aid from the school fund raised by county or district assessment, but not to the provincial allowance.

9. Instead of the third sub-division of the 14th section of the said act, which sub-division is hereby repealed, the commissioners shall withhold the money provided by county assessment from any trustees presenting a false return, and shall also withhold their approval of any school returns forwarded by them to the superintendent if it shall appear that the teacher has been immoral, incompetent, or neglectful of duty, endorsing thereon explicitly their reasons for recommending the non-payment either of all or a portion of the provincial grant from such said teacher.

10. Each board of commissioners shall have power to appoint a committee of not less than three of their number to perform the duties imposed on them by section 30 of the act hereby amended, and such committee when so appointed are hereby authorized to perform said duties.

11. Instead of the provisions of the 18th section of the act hereby amended which refer to commission and allowance to inspectors, which provisions are hereby repealed, each inspector shall receive semi-annually from the treasury the sum of one dollar and a half for each school inspected by him during the half year, and for every teacher regularly employed in his county a sum equal to five per cent. on one-half the average of the annual grants to the several classes of teachers, as specified in section 1 of this act; also an allowance for stationery, postage, and printing not to exceed ten dollars for each board of commissioners, of which he is clerk.

12. Instead of the first sub-division of the 18th section of the act hereby amended, which sub-division is hereby repealed, the inspector shall act as clerk of each board of commissioners within his county, and shall deliver promptly to the parties in whose favor they are drawn, either personally or upon their written order, all drafts received by him from the superintendent of education or from the board or boards of commissioners.

13. The town clerk, or clerk of the peace, shall furnish the list required by the third subdivision of section 38 of the act hereby amended, in all cases where assessments are required to be made for any school purpose.

14. Six calendar months, commencing with the 1st of November and the 1st of May in each year, shall constitute a school term, including all holidays and vacations prescribed by the council of public instruction.

15. From and after the passing of this act, no new section shall be created, or existing section altered by the board of

Certificate required by 13th sec. of amended act to apply to county moneys only.

Right to withhold aid, as stated in 14th sec. of amended act, to apply to provincial moneys only.

3rd sub-division of 14th section amended act repealed.

Cases when Commissioner may withhold county moneys.

Three Commissioners may perform duties prescribed by sec. 30 amended act.

Inspectors how paid.

1st sub-division of 18th section amended act repealed.

Inspector shall be clerk of county boards.

Duties prescribed by 3rd sub-division sec. 38 amended act performed by town clerk or clerk of peace. School terms.

School sections altered by vote of two-thirds of Commissioners.

school commissioners, unless by vote of two-thirds of the members of such board present at any regular semi-annual meeting.

School houses—how sold or site changed.

16. Whenever it may be deemed desirable to change the site of a school-house, or to dispose of school land by sale or exchange, such lands may be so disposed of by the trustees, who are hereby authorized to purchase or accept other lands or sites in lieu thereof.

Special meetings of rate-payers—how called, &c.

17. Upon the requisition of a majority of the rate-payers of any section, the trustees shall convene a special meeting of rate-payers, for the purpose of voting money or adding to any amount previously voted for any purpose authorized by this act, or the act hereby amended, notice of which meeting shall be given by the trustees, as provided in the case of the annual meeting, and such notice shall express the object of such meeting.

Bond of secretary of trustees to be lodged with clerk of peace.

18. The bond required of the secretary to the trustees by the 40th section of the act hereby amended, shall be lodged by the trustees with the clerk of the peace for the county or district.

CITY OF HALIFAX.

Section 49 of amended act and its sub-divisions repealed.

19. Section 49 of the act hereby amended, and the various subdivisions of said section, are hereby repealed, and the schools in the city of Halifax shall be managed as follows :

City of Halifax shall be one school section. Commissioners, how appointed.

(1.) The city shall be one school section, and the Governor in Council shall appoint a board of commissioners for the city, which shall consist of twelve members, two of which shall be resident in each ward, but in case of a vacancy occurring, such vacancy may be filled by a selection made from any part of the city ; and such board shall be a corporate body, and may exercise all the powers given to trustees under this act and the act hereby amended, and perform all the duties imposed on trustees by the same.

Duties of Board of Commissioners.

(2.) The board of commissioners shall take all necessary steps to provide sufficient school accommodation, and shall furnish, semi-annually, to the superintendent of education, a report of their proceedings under this act ; also returns of all schools subject to their control, and a statement of the appropriation of all moneys received and expended by them under the provisions of this act.

Board of Commissioners may aid any city school, provided it be a free school.

(3.) The board of commissioners are authorized to co-operate with the governing body of any city school, on such terms as to the board shall seem right and proper, so that the benefits of such school may be as general as circumstances will permit ; and the board may make such allowance to any such school out of the funds under their control, as shall be deemed just and equitable ; but no public funds shall be granted by them in support of any school unless the same be a free school.

City Council shall assess sum required by Commissioners for school purposes.

(4.) On request of the board of commissioners, specifying the amount required in addition to the sums provided from the provincial treasury, for the yearly support and maintenance of the schools under their charge, the City Council shall be authorized, and are hereby required, to add a sum sufficient

after deducting costs of collection and probable loss, to yield the amount so specified by the board, to the general assessment of the city, to be levied and collected from the inhabitants thereof, which sum shall be paid quarterly by the city treasurer to the said board, upon the written order of the chairman or vice-chairman.

Amount—how levied and paid.

(5.) The objects to be provided for by the board of commissioners out of the sum so assessed, shall be the salaries of teachers and assistants, and of the secretary to the board, the leasing of lands and buildings for school purposes, the repairing and improving of grounds and buildings, the cleaning, fuel, and insurance of school-houses, the purchase of prescribed school-books, the interest payable on debentures issued by the board, and all other expenses required in the due execution of the different powers and trusts vested in the said board by this act.

Amount thus collected—how applied.

(6.) The board of commissioners shall have power to select and purchase sites for school buildings, and shall have power to borrow money for the purchase of the same; as also for the purchase or erection of school buildings, the improvement of school grounds, and the purchase of suitable furniture and apparatus for the schools under their control.

Commissioners shall have power to borrow money for purchase, &c. of school-houses, grounds, &c.

(7.) To enable the commissioners to borrow money, they may issue debentures, in such form, and for such sums as they may decide upon, payable with interest in twenty-five years from the date thereof, free from taxation; said debentures to be a charge on the city of Halifax, and the interest thereon to be paid every six months, and to be included in the sum specified and required to be assessed upon the inhabitants of the city, as aforesaid. The debentures shall be sealed with the seal of the incorporated board, and shall be signed by the chairman, and countersigned by the secretary.

Commissioners may issue debentures chargeable on city.

Interest on debentures.

(8.) The board of commissioners are hereby invested with the title of all public school property, real and personal, within the city [with the exception of the Halifax Grammar School], and may sell and dispose of the same, or any part of the same, and with the proceeds may purchase new school-house sites, and erect new school-houses in such places and at such times as they may deem expedient.

Title to public school property (except Halifax Grammar School) vested in Board of Commissioners.

(9.) The commissioner, whose name shall stand first on the list of appointments shall be chairman of the board, and in his absence the commissioner next on the list present shall act as chairman, and the commissioners shall appoint their own secretary and fix his salary.

Chairman of Board.

(10.) The provisions of this act and the act hereby amended, except as in said acts severally provided, shall apply to the city of Halifax, but the pupils of one ward shall be entitled to school privileges in any other ward.

How far provisions of this and amended act apply to city of Halifax.

Pupils of one ward entitled to school privileges of any other.

Secs. of amended act repealed.

20. The following sections and parts of sections of the act hereby amended are repealed, viz.: the 15th subdivision of section 6, the 9th subdivision of section 7, section 12, that part

of section 18 which relates to commission and allowance to inspectors, the 7th and 8th subdivisions of section 18, and that part of the 9th subdivision of said section which relates to school books, sections 19, 20, 21, 22, 23, and the 3rd subdivision of section 41, section 43, and all other sections, or parts of sections, or provisions of the said act which are inconsistent with this act. Sections 10, 15, 16, 17, and 19, with its several subdivisions, shall come into operation on the passing of this act, and the remaining portions on the third Monday of October next.

Secs. 10, 15, 16, 17 and 19, and remaining secs. when to come into operation.

Sums assessed on city for school purposes to be paid to Board of Commissioners.

21. All monies assessed on the city of Halifax for educational purposes, and in the hands of the city treasurer shall be paid over by him to the commissioners of schools for the city of Halifax.

### CHAPTER 31.

An Act further to amend the Act for the Better Encouragement of Education.

(Passed the 7th day of May, A. D. 1866.)

Preamble.

Whereas, a number of Boards of Trustees have been unable, on account of the difficulty of procuring teachers, or from other circumstances, to keep their respective schools in operation for the period of five months, as required by law—

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

Distribution of school moneys.

1. The Council of Public Instruction is hereby authorized, at the next distribution of school moneys, to take such steps as they may think proper for the purpose of effecting a just distribution of the school moneys payable under said act among all schools, in proportion to the time they have been in operation, but subject to all the other conditions imposed by the said act.

### CHAPTER 32.

An Act to authorize the Sale of School-houses in certain cases.

(Passed the 7th day of May, A. D. 1866.)

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

Majority of shareholders may sell school house owned by them to section.

1. In all cases wherein a school-house has been built within any section, and is owned in shares, it shall be competent for the majority in interest of the owners of shares to sell and dispose of the same to the section at any meeting duly held after ten days' notice of the object thereof, at such price as this meeting shall determine or as may be realized at a public sale thereof, duly advertised; and the proceeds of sale shall be divided among the proprietors in proportion to their shares in interest in the property.

## CHAPTER 33.

## An Act for the Protection of Married Women in certain cases.

(Passed the 7th day of May, A. D. 1866.)

1. A wife deserted by her husband may apply to Court for order to protect property acquired by her own industry.
2. Judge if satisfied of desertion may grant order. Wife shall hold property as if she were a *feme sole*. Such order must be entered with the Registrar of Deeds.
3. Husband or creditor may apply for discharge of such order.
4. Husband or creditor seizing property of wife, after notice of such order, liable to be sued by wife. The specific property seized to be returned, and double its value.
5. After such order, wife, as regards property, contracts, &c., shall be in same position as if she had obtained decree of divorce.
6. Provisions of this act to extend to property wife has obtained as executrix, administratrix, or trustee, &c.
7. Order of protection valid as security for person dealing with wife until reversed.
8. Discharge, variation, or reversal of order not to affect contracts &c., made while it was in force.
9. Reversionary interests of wife included by order of protection.
10. Order shall state time desertion commenced.
11. Persons and corporations making contracts with wife without notice of reversal of order shall be in same position as if order remained in force.

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

1. A wife deserted by her husband, wherever resident in Nova Scotia, may at any time after such desertion, apply to a Judge of the Supreme Court for an order to protect any money or property she may have acquired, or may acquire, by her own lawful industry, and any property which she may have become possessed of, or may become possessed of after such desertion, against her husband and his creditors, or any person claiming under him.

2. Such Judge, if satisfied of the fact of the desertion, and that the same was without reasonable cause, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and property acquired since the commencement of such desertion, from her husband, and all creditors and persons claiming under him; and such earnings and property shall belong to the wife as if she were a *feme sole*. Provided, always, that every such order, after the making thereof, be entered with the Registrar of Deeds within whose jurisdiction the wife is resident.

3. It shall be lawful for the husband, and any creditor or other person claiming under him, to apply to a Judge of the Supreme Court for a discharge of such order, who, on sufficient cause shewn, may grant such discharge.

4. If the husband, or any creditor of, or person claiming under the husband, shall seize or continue to hold, any property of the wife after notice of any such order, he shall be liable at the suit of the wife, which she is hereby empowered to bring, to restore the specific property, and also a sum equal to double the value of the property so seized or held after such notice.

A wife deserted by her husband may apply to Court for order to protect property acquired by her own industry.

Judge if satisfied of desertion may grant order.

Wife shall hold property as if she were a *feme sole*.

Such order must be entered with the Registrar of Deeds.

Husband or creditor may apply for discharge of such order.

Husband or creditor seizing property of wife after notice of such order liable to be sued by wife. The specific property so seized to be returned, and double its value.

After such order, wife, as regards property, contracts, &c., shall be in same position as if she had obtained decree of divorce.

Provisions of this act to extend to property wife has obtained as executrix, administratrix, or trustee, &c.

Order of protection valid as security for person dealing with wife until reversed.

Discharge, variation or reversal of order not to affect contracts, &c. made while it was in force.

Reversionary interests of wife included by order of protect'n.

Order shall state time desertion commenced.

Persons and corporations making contracts with wife without notice of reversal of order shall be in same position as if order remained in force.

5. If any such order of protection be made, the wife shall, during the continuance thereof, be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be if she had obtained a decree of divorce.

6. The provisions contained in this act respecting the property of a wife, who has obtained a decree of divorce or an order for protection, shall be deemed to extend to property to which such wife has become or shall become entitled, as executrix, administratrix, or trustee, since the sentence of divorce or the commencement of the desertion, as the case may be; and the death of the testator or intestate shall be deemed to be the time when such wife became entitled as executrix or administratrix.

7. In every case in which a wife shall under this act have obtained an order to protect her earnings or property, or a decree of divorce, such order or decree shall, until reversed or discharged, so far as necessary for the protection of any person or corporation who shall deal with the wife, be deemed valid and effectual.

8. No discharge, variation, or reversal of such order or decree, shall prejudice or affect any rights or remedies which any person would have had in case the same had not been so reversed, varied, or discharged, in respect of any debts, contracts, or acts of the wife, incurred, entered into, or done between the times of the making of such order or decree and of the discharge, variation, or reversal thereof.

9. Property of, or to which the wife is possessed or entitled, for an estate in remainder or reversion, at the date of the desertion or decree, (as the case may be), shall be deemed to be included in the protection given by the order or decree.

10. Every order which shall be obtained by a wife under this act, for the protection of her earnings or property, shall state the time at which the desertion, in consequence whereof the order is made, commenced; and the order shall, as regards all persons dealing with such wife in reliance thereon, be conclusive as to the time when such desertion commenced.

11. All persons and corporations who shall, in reliance on any such order or decree, as aforesaid, make any payment to, or permit any transfer or act to be made or done by the wife, who has obtained the same, shall, notwithstanding such order or decree may then have been discharged, reversed, or varied, or at some time since the making the order or decree, been discontinued, be protected and indemnified in the same way in all respects as if at the time of such payment, transfer, or other act, such order or decree were valid, and still subsisting, without variation, in full force and effect, and the separation of the wife from her husband had not ceased or been discontinued unless at the time of such payment, transfer, or other act, such persons or corporation had notice of the discharge, variation, or reversal of such order or decree.

## CHAPTER 34.

## An Act to amend the Act in reference to the Militia.

(Passed the 7th day of May, A. D. 1866.)

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| <p>1. 16th Sec. amended. Adjutant appointed to carry on annual training of officers to receive \$40 additional. Must be certified to be efficient.</p> <p>2. Sec. 22 amended by addition of "and Volunteer Companies."</p> <p>3. Sec. 24 amended. Naval Brigade.</p> <p>4. Sec. 50 amended.</p> <p>5. Sec. 55 amended. Boards of Appeal.</p> <p>6. Sec. 59 amended. Exemptions.</p> <p>7. Sec. 61 amended. Free pass over railroad</p> <p>8. Sec. 68 amended. Exemptions.</p> | <p>9. Addition to sec. 88. Grants to Volunteer Companies paid into Company fund.</p> <p>10. Sec. 109 amended. Government to pay two-thirds cost of drill sheds.</p> <p>11. Sec. 113 amended. Drill sheds.</p> <p>12. Sec. 140 amended. Ballot for active service.</p> <p>13. Sec. 145 amended. 24 hours instead of 96.</p> <p>14. When one-third expense of uniform is subscribed by regiment the other two-thirds shall be advanced from treasury.</p> <p>15. Officers of volunteers and militia to take precedence from dates of commission.</p> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

1. The sixteenth section of the said act is hereby amended by adding the following words at the end of the section, viz. : "Adjutants employed under special authority from the Commander-in-chief to carry on the annual training of the Officers, shall receive an additional sum of forty dollars for the course, they having first been duly certified by their Commanding Officer and the Inspecting Field Officer of the district, to be efficient and capable of performing the duty."

16th section amended.

Adjutant appointed to carry on annual training of officers to receive \$40 additional.

Must be certified to be efficient.

2. Section twenty-two of said act is amended by adding the words, "and Volunteer Companies," after the word "Regiment" in said section.

Sec. 22 amended by addition of "and Vol. Companies."

3. Section twenty-four of said act is amended by inserting the words "and Naval Brigades" after the word "Artillery" in said section ; and at the end of the section the following words shall be added, "but no man shall be drafted for these services who has received notice to attend the yearly Regimental training, and until he shall have completed the same."

Sec. 24 amd.  
Naval brigades.

4. Section fifty of said act is amended by leaving out the words, "within the year," and inserting in their stead, "at any time before the next annual training."

Sec. 50 amd.

5. Section fifty-five of said act is amended by adding the following words at the end of the clause, "such Board shall meet on or before the first day of training, provided that nothing herein contained shall prevent the Commanding Officer of the Regiment from appointing subsequent Boards to consider other cases, of sickness or appeals from fines."

Sec. 55 amd.  
Brds. of Appeal.

6. Section fifty-nine of said act is amended by omitting the word "Firewardens," and inserting at the end of the section the words, "one miller to each mill."

Sec. 59 amd.  
Exemptions.

7. Section sixty-one of said act is amended by striking out the words "by the Captain of the Company," and inserting instead thereof, "according to regulations."

Sec. 61 amd.  
Free pass over railroad.

Sec. 63 amend.

Exemptions.

Addition to section 88.

Grants to volunteer companies made into company fund.

Sec. 109 amend.  
Government to pay two-thirds cost of drill sheds.

Sec. 113 amend.  
Drill sheds.

Sec. 140 amend.  
Ballot for active service.

Sec. 145 amend.  
24 hours instead of 96.

When one-third expense of uniform is subscribed regiment the other two-thirds shall be advanced from treasury.

Officers of volunteers and militia to take precedence from dates of commission.

8. Section sixty-three is amended by inserting the words, "and the Inspecting Field Officers," after the word "Generals" on the fourth line of said section.

9. The following words shall be added at the end of section eighty-eight: "All grants made in aid of Volunteer Companies shall be paid to the Captain for the benefit of the Company's funds, and applied to such purposes as the majority of the Company may decide upon, and not paid as hitherto to the individual Volunteers."

10. Section one hundred and nine is amended by inserting the words "two-thirds" instead of the words "one-half."

11. Section one hundred and thirteen is amended by inserting the words "for battalion drill," after the words "per diem," in said section."

12. Section one hundred and forty is amended by inserting the words, "if required so to do," after the word "Companies" on the first line of said section.

13. Section one hundred and forty-five is amended by inserting the words, "twenty-four hours," instead of "ninety-six hours."

14. When any Regiment or Company of Militia in any part of this Province, shall have subscribed one-third of the expense of a uniform, according to regulations, two-thirds of such expense may be drawn from the Provincial Treasury by vouchers, verified on oath, being produced at the Financial Secretary's office.

15. Officers of the Volunteers and Militia shall take precedence according to the respective dates of their commissions.

## CHAPTER 35.

### An Act to amend Chapter 94 of the Revised Statutes, "Of the Coast and Deep Sea Fisheries."

(Passed the 7th day of May, A. D. 1866.)

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| <p>1. Sec. 4, cap. 94, Rev. Statutes, amended. Guilty of a misdemeanor and liable to fine or imprisonment.</p> <p>2. Sec. 5 amended.</p> | <p>3. In cases of seizure Governor in Council may direct stay of proceedings or relief from penalty.</p> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. Section 4 of chapter 94 of the Revised Statutes is hereby amended as follows:—"And shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years."

2. Section 5 of the said chapter is hereby amended by the addition of the following words:—"Or into such other custody and keeping as the Governor in Council or Court of Vice Admiralty shall order."

3. In cases of seizure under the said Act, the Governor in Council may, by order, direct a stay of proceedings; and in cases of condemnation, may relieve from the penalty in whole or in part, and on such terms as may be deemed right.

Sec. 4 cap. 94 Revised Statutes amended. Guilty of a misdemeanor, and liable to fine or imprisonment.

Sec. 5 amended.

In cases of seizure, Governor in Council may direct stay of proceedings, or relief from penalty.

## CHAPTER 36.

## An Act to amend Chapter 95 of the Revised Statutes, "Of River Fisheries."

(Passed the 7th day of May, A. D. 1866.)

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| <p>1. Sec. 4 amended. Sessions may make order for prevention of traps, &amp;c., being set for destroying fish. Penalties</p> <p>2. Sec. 7 amended. Distance between contrivances for catching fish to be one hundred yards.</p> <p>3. Grand Jury and Sessions shall appoint Inspectors of Bays, Harbors, Creeks, Streams, &amp;c.</p> <p>4. Cap. 35, acts 1865, in part repealed. How much of cap. 95, Rev. Stats., repealed.</p> | <p>5. Proceedings at law now pending, shall determine by defendant paying costs.</p> <p>6. Section 11, chapter 95, revived, except as regards County of Halifax.</p> <p>7. Halifax County Sessions to make regulations for fish passing through Shubenacadie Canal.</p> <p>8. Regulations made for present year to remain in full force. Appointment of Wardens declared legal.</p> |
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Be it enacted by the Governor, Council, and Assembly, as follows :

1. Section 4 of the said chapter is amended as follows:—  
 "The Sessions shall have power to make orders for the prevention of traps or such other contrivances as they may consider objectionable being set for catching or destroying fish in any of the bays, harbors, rivers, streams, or creeks in this Province, or on the shores thereof, to be enforced by penalties not exceeding forty dollars for each breach thereof."

Sec. 4 amended.

Sessions may make order for prevention of traps, &amp;c., being set for destroying fish.

Penalties.

2. Section 7 of the said chapter is hereby amended, by making the distance mentioned in said section between contrivances for catching fish one hundred yards, instead of one-eighth of a mile.

Sec. 7 amended.

Distance between contrivances for catching fish to be one hundred yards.

3. The Grand Jury and Sessions shall appoint officers to be inspectors of bays, harbors, creeks, and streams, set off into districts, or of either of them, in the same mode as inspectors of river fisheries are provided to be appointed by section 15 of the chapter hereby amended.

Grand Jury and Sessions shall appoint inspectors of bays, harbors, creeks, and streams, &amp;c.

4. Chapter 35 of the acts of 1865, except as regards the county of Halifax and the Clyde River, in the county of Shelburne, and so much of chapter 95 of the Revised Statutes, "Of River Fisheries," as is hereby amended are repealed.

Chapter 35 act 1865 in part repealed.

How much of cap. 95 Revised Statutes repealed.

5. All proceedings in law now pending under the provisions of the act of 1865 shall determine on the passage of this act by the defendant paying costs, otherwise such proceedings shall not be affected by this act.

Proceedings at law now pending shall determine by defendant paying costs.

6. Section 11 of the chapter hereby amended is hereby revived and re-enacted, except as regards the county of Halifax.

Sec. 11 cap. 95 revived, except as regards Co. of Halifax.

7. The General or Special Sessions of the county of Halifax shall make such regulations for the passing of fish through the dams and locks of the Shubenacadie Canal as they shall deem proper, to be enforced by penalties not exceeding forty dollars for each breach thereof.

Halifax county Sessions to make regulations for fish passing through Shubenacadie Canal.

Regulations made for present year to remain in force. Appointment of Wardens declared legal.

8. All regulations made by the various Sessions throughout the Province relative to the fisheries for the present year shall be effective for such year, notwithstanding anything under this act to the contrary; and all proceedings taken by the sessions in relation to the appointment of Wardens are hereby declared legal and valid, although not made in strict accordance with the provisions of the act hereby amended.

## CHAPTER 37.

### An Act to provide for the seizure of Arms and Munitions of War.

(Passed the 7th day of May, A. D. 1866.)

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| <p>1. Justice of Peace having information on oath, that Arms or Munitions of War are in possession of any person with intent dangerous to public peace, may issue search warrant. Persons acting under such warrant may enter and search suspected houses by force if</p> | <p>necessary. Arms, &amp;c., to be detained until proved to be for legitimate purposes.</p> <p>2. Upon refusal of Justice to restore arms, &amp;c., owner may petition Judge of Supreme Court, who shall investigate and decide whether they shall be restored or not.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

Justice of Peace having information on oath that arms or munitions of war are in possession of any person with intent dangerous to public peace may issue search warrant.

1. It shall be lawful for any Justice of the Peace, upon information upon oath of one or more credible witness or witnesses, that he or they believe that any arms or munitions of war are, for the purpose of being employed in any enterprise or hostile operations, or for any purpose dangerous to the public peace within this Province, in the possession of any person or persons, or in any house or houses, or place or places, that any person or persons is or are concerned or engaged in the manufacture of any arms or munitions of war, to issue his warrant to any Constable or other Peace Officer to search for, and seize such arms or munitions of war in the possession of any such person, or in any such house or houses, place or places; and it shall be lawful for any such Constable or other Peace Officer, acting under any such warrant, or any other person or persons in his or their aid or assistance, to search for and seize any such arms or munitions of war, being in the possession of any such person, or in any such house or houses, or place or places, as aforesaid; and in case admission into such house or place shall be refused or not obtained when demanded, to enter by force, by day or by night, in all and every such house or houses, place or places, whatsoever, and to detain or cause to be detained, in safe custody, in such place as the said Justice of the Peace, by whom such warrant was granted, shall appoint and direct the arms or munitions of war found and seized, as aforesaid, unless the owner thereof shall prove to the satisfaction of such Justice, by whom such warrant was granted, that such arms or munitions of war were not kept for any or either of the purposes aforesaid.

Persons acting under such warrant may enter and search suspected houses if necessary.

Arms, &c., to be detained until proved to be for legitimate purposes.

2. It shall be lawful for any person from whom any such arms or munitions of war shall be so taken as last aforesaid, in case the Justice of the Peace upon whose warrant the same shall have been taken, shall, upon application made for that purpose, refuse to restore the same, to apply by petition for the restoration of the same, setting forth the facts of the case to any Judge of the Supreme Court, and thereupon such Judge shall proceed, with all convenient despatch, after causing due notice to be given to the officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this act; and that such arms or munitions of war were kept for any or either of the purposes aforesaid.

Upon refusal of Justice to restore arms, &c., owner may petition Judge of Supreme Court, who shall investigate and decide whether they shall be restored or not.

### CHAPTER 38.

An Act for the Better Security of the Crown and the Government of Nova Scotia against Treasonable and Seditious Practices and Attempts.

(Passed the 7th day of May, A. D. 1866.)

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Persons who shall compass or devise, &amp;c., the deposition, &amp;c., of Her Majesty, her heirs or successors, or levy war to compel a change of measures, or to intimidate Legislature of Province, or encourage invasion, by printing or speaking, shall be guilty of felony. Penalty. Proviso. Time within which prosecution shall be commenced</p> | <p>2. In indictment more than one overt act may be charged.</p> <p>3. Indictments for felony under this act, valid, though the facts may amount to treason.</p> <p>4. Nothing in this act to affect act passed in twenty-fifth year of Edward the Third.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. If any person after the passing of this act shall, within this Province or without, compass, imagine, invent, devise, or intend to deprive or depose our most gracious lady the Queen, her heirs or successors, from the style, honor, or royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions or countries, or to levy war against Her Majesty, her heirs or successors within this Province, in order by force or constraint to compel her or them to change her or their measures or councils, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of Legislature in this Province, or to move or encourage or stir any foreigner or stranger with force to invade the Province or any other Her Majesty's dominions or countries under the obeisance of Her Majesty, her heirs or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being con-

Persons who shall compass or devise, &c., the deposition, &c., of Her Majesty, her heirs or successors, or levy war to compel a change of measures or to intimidate Legislature of Province or encourage invasion, by printing or speaking, shall be guilty of felony.

**Penalty.**

victed thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not exceeding ten years.

**Proviso.**  
Time within which prosecution shall be commenced.

Provided always, that no person shall be prosecuted for any felony by virtue of this act in respect of such compassings, imaginations, inventions, devices, or intentions, as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered, or declared, shall be given upon oath to one or more Justice or Justices of the Peace within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given, as aforesaid; and that no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions, as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised speaking, as aforesaid, except upon his own confession in open court, or unless the words so spoken shall be proved by two credible witnesses.

**In indictment more than one overt act may be charged.**

2. It shall be lawful in any indictment for any felony under this act to charge against the offender any number of the matters, acts, or deeds by which such compassings, imaginations, inventions, devices, or intentions, as aforesaid, or any of them, shall have been expressed, uttered, or declared.

**Indictments for felony under this act valid though the facts may amount to treason.**

3. If the facts or matters alleged in an indictment for any felony under this act shall amount in law to treason, such indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for any felony under this act shall amount in law to treason, such person shall not by reason thereof be entitled to be acquitted of such felony, but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts; and in the case of every felony punishable under this act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this act punishable, and every accessory after the fact to any such felony shall on conviction be liable to be imprisoned for any term not exceeding two years.

**Nothing in this act to affect act passed in 25th year of Edward Third.**

4. Nothing herein contained shall lessen the force or in any manner affect anything enacted by the statute passed in the twenty-fifth year of King Edward the Third, "A declaration which offences shall be adjudged treason."

## CHAPTER 39.

## An Act to regulate the Terms of the Supreme Court in the Island of Cape Breton.

(Passed the 7th day of May, A. D. 1866.)

1. Supreme Court sits at following times. County of Cape Breton. County of Victoria. County of Inverness. County of Richmond.
2. Inconsistent clauses of cap. 123 Revised Statutes, repealed.

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

1. The Supreme Court shall hereafter sit in the Island of Cape Breton at the following times, viz.:

*County of Cape Breton.*

At Sydney on the first Tuesday of June, and on the second Thursday after the second Tuesday of October; such last term to extend for ten days if necessary.

*County of Victoria.*

At Baddeck on the second Tuesday of June, and the first Thursday after the fourth Tuesday of October; the last term to continue for five days, exclusive of Sunday, if necessary.

*County of Inverness.*

At Port Hood on the third Tuesday of June and the third Tuesday of October; each term to continue for seven days, exclusive of Sunday, if necessary.

*County of Richmond.*

At Arichat on the first Thursday after the fourth Tuesday of June, and to sit ten days if necessary, and on the second Tuesday of October, to sit five days if necessary.

2. So much of Chapter 123 of the Revised Statutes, "Of the Supreme Court and its Officers," as is not consistent with this act, and also Chap. 33 of the acts of 1865, are hereby repealed.

## CHAPTER 40.

## An Act in addition to the Act to facilitate the Perfecting of Titles in Cape Breton.

(Passed the 7th day of May, A. D. 1866.)

1. Commissioner of Crown Lands shall prepare grants under said act. Shall not convey title until money is paid.
2. When money paid, and grants recorded title shall pass.

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

1. The Commissioner of Crown Lands, whenever directed thereto by the Governor in Council, shall prepare grants in the usual form to the several applicants, under the said act, of the

Supreme Court sits at following times.

County of Cape Breton.

County of Victoria.

County of Inverness.

County of Richmond.

Inconsistent clauses of cap. 123 Rev. Stat. repealed.

Commissioner of Crown Lands shall prepare grants under said act.

respective lots or parcels of land of which they are in possession, and from time to time may be surveyed for them—which said grants shall be signed and sealed in the usual form, but shall have no validity or effect, or convey any title, until the purchase money shall have been paid in full, and the said grants respectively transmitted to the Registrar of Deeds for the County where the said land is situate.

Shall not convey title until money is paid.

When money paid and grants recorded, title shall pass.

2. When the said purchase money is paid, and the grants are so transmitted, they shall thenceforth operate so as to convey a title of the land therein described to the applicant, or in case of his decease after the dates of such grants, respectively, to his legal representatives, including the dower of the wife of such applicant.

## CHAPTER 41.

### An Act to provide for Defraying certain Expenses of the Civil Government of this Province.

(Passed the 7th day of May, A. D. 1866.)

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Sum of money granted to defray expenses of Civil Government.</p> <p>\$6,500—Civil List.</p> <p>\$8,000—Agriculture.</p> <p>\$8,000—Board of Statistics.</p> <p>\$14,300—Crown Lands.</p> <p>\$7,800—Mines.</p> <p>\$200—Expenses Distressed Seamen.</p> <p>\$13,195—Education.</p> <p>\$1,290—Indians.</p> <p>\$5,000—Immigration.</p> <p>\$46,420—Legislative expenses.</p> <p>\$78,000—Military defence.</p> <p>\$46,631—Miscellaneous expenses.</p> <p>\$5,010—Transient and lunatic paupers.</p> | <p>\$274,228—Great and bye roads, and bridges.</p> <p>\$200—Land damages.</p> <p>\$150,000—Railway.</p> <p>\$22,170—Steamboats, packets and ferries.</p> <p>\$80,000—Navigation securities.</p> <p>\$160,320—Public works.</p> <p>\$65,000—Post communication.</p> <p>\$8,000—Public printing.</p> <p>\$12,100—Halifax Poors' Asylum.</p> <p>\$67,225—Revenue expenses.</p> <p>2. Aforesaid sums payable by Receiver General on warrant of Governor in Council.</p> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

Sums of money granted to defray expenses of civil governm't.

\$6,500—Civil List.

\$8,000—Agriculture.

\$8,000—Board of Statistics.

\$14,300—Crown Lands.

\$7,800—Mines.

1. There shall be granted to His Excellency the Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses:—

A sum not exceeding six thousand five hundred dollars to defray certain charges on the civil list.

A sum not exceeding eight thousand dollars for the encouragement of agriculture.

A sum not exceeding eight thousand dollars towards defraying the expenses of the Board of Statistics.

A sum not exceeding fourteen thousand three hundred dollars to provide for the expenses of the Crown Land Department.

A sum not exceeding seven thousand eight hundred dollars towards paying the expenses connected with the department of mines.

|                                                                                                                                                                       |                                            |
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| A sum not exceeding two hundred dollars towards defraying expenses connected with distressed seamen.                                                                  | \$200—Expenses Distressed seamen.          |
| A sum not exceeding thirteen thousand one hundred and ninety-five dollars for certain educational purposes.                                                           | \$13,195—Education.                        |
| A sum not exceeding one thousand two hundred and ninety dollars to provide for the relief of Indians.                                                                 | \$1,290—Indians.                           |
| A sum not exceeding five thousand dollars towards the encouragement of immigration.                                                                                   | \$5,000—Immigration.                       |
| A sum not exceeding forty-six thousand four hundred and twenty dollars to provide for the pay of the members and officers and contingent expenses of the Legislature. | \$46,420—Legislative expenses              |
| A sum not exceeding seventy-eight thousand dollars towards defraying the expenses of the Military Defence of the Province.                                            | \$78,000—Military Defence.                 |
| A sum not exceeding forty-six thousand six hundred and thirty-one dollars to defray certain Miscellaneous Expenses.                                                   | \$46,631—Miscellaneous expenses.           |
| A sum not exceeding five thousand and ten dollars to provide for the relief of transient and lunatic paupers.                                                         | \$5,010—Transient and lunatic paupers.     |
| A sum not exceeding two hundred and seventy-four thousand two hundred and twenty-eight dollars to provide for the great and bye-road and bridge service.              | \$274,223—Great and bye roads and bridges. |
| A sum not exceeding two hundred dollars to defray certain land damages.                                                                                               | \$200—Land damage.                         |
| A sum not exceeding one hundred and fifty thousand dollars to provide for the expenses of the Provincial railway.                                                     | \$150,000—Railway.                         |
| A sum not exceeding twenty-two thousand one hundred and seventy dollars for steam-boats, packets, and ferries.                                                        | \$22,170—Steamboats, packets, and ferries. |
| A sum not exceeding eighty thousand dollars to provide for certain navigation securities.                                                                             | \$80,000—Navigation securities.            |
| A sum not exceeding one hundred and sixty thousand three hundred and twenty dollars to provide for certain public works.                                              | \$160,320—Public Works.                    |
| A sum not exceeding sixty-five thousand dollars to defray the expense of the post communication.                                                                      | \$65,000—Post communication.               |
| A sum not exceeding eight thousand dollars towards defraying the expense of public printing.                                                                          | \$8,000—Public printing.                   |
| A sum not exceeding twelve thousand one hundred dollars towards the expense of the Halifax Poors' Asylum.                                                             | \$12,100—Halifax Poors' Asylum.            |
| A sum not exceeding fifty-seven thousand two hundred and twenty-five dollars to defray certain charges for the collection and protection of the revenue.              | \$57,225—Revenue expenses.                 |

2. The several sums of money before mentioned shall be paid by the Receiver General by warrant of the Governor in Council, out of moneys now in the treasury or as payment may be made at the same.

Aforesaid sums payable by Receiver General on warrant of Governor in Council.



**LOCAL ACTS.**



# LOCAL ACTS.

## CHAPTER 42.

### An Act to regulate the Poors' Asylum and Hospital in the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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| 1. Commissioners of Hospital and Poors' Asylum—how constituted.                                              | 7. Certain lands on the South Common vested in Commissioners of Hospital and Poors' Asylum. |
| 2. Commissioners to be a body corporate.                                                                     | 8. Proceeds arising from sale of lands how appropriated.                                    |
| 3. Vacancies in Board, how filled.                                                                           | 9. Surplus of money required, how provided                                                  |
| 4. Title to lands, &c., of Commissioners of Poors' Asylum, vested in Commissioners appointed under this act. | 10. City Council may borrow amount not to exceed \$20,000.                                  |
| 5. Plan of lands shall be made—laying them off in lots.                                                      | 11. City property liable to pay debentures.                                                 |
| 6. Commissioners shall sell said lots at public auction.                                                     | 12. Commissioners shall have powers of Overseers of Poor.                                   |
|                                                                                                              | 13. Assets of present Commissioners shall vest in Commissioners under this act.             |

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

1. The Governor in Council may appoint eight persons, and the City Council three other persons, who, with the Mayor of the City of Halifax for the time being, shall together constitute a Board of Commissioners, to be called the Commissioners of the Hospital and Poors' Asylum, and may annually elect their own Chairman.

Commissioners of Hospital and Poors' Asylum—how constituted.

2. Such Commissioners shall be and are hereby constituted a body corporate, with all the rights, powers, and privileges, incident to corporations in this Province, under the name of "The Commissioners of the Hospital and Poors' Asylum."

Commissioners to be a body corporate.

3. When any vacancy shall occur in such board it shall be filled up by either the Governor or City Council, who may have appointed the Commissioner in whose stead another is required.

Vacancies in Board—how filled.

4. The land and premises now occupied by the Commissioners of the Poors' Asylum, now included within their fence bounded on the south by Spring Garden road, on the west by Queen Street, on the north by government property, and on the east by the old burying ground, including the site of the old Jail, and lands connected therewith, and all right and title thereto are hereby vested in the Commissioners of the Hospital and Poors' Asylum, when appointed as in this Act provided.

Title to land, &c., of Commrs. of Poors' Asylum, vested in Commrs appointed under this act.

5. The Commissioners shall, with as little delay as possible, cause a plan of the said lands to be made, laying off the same in building lots as they may deem most advantageous.

Plan of lands shall be made—laying them off in lots.

Commissioners shall sell said lots at public auction.

6. A majority of the Commissioners, when they shall deem it expedient so to do, shall sell the said lots at public auction, and the Chairman shall execute and deliver deeds under the Corporate Seal to the respective purchasers of said lots, and an absolute title in fee simple shall thereupon vest in such purchasers.

Certain lands on the south common vested in Commrs. of Hospital and Poores' Asylum.

7. That portion of the South Common bounded on the east by Tower Road, on the south by South Street, on the west by the road leading from Spring Garden Road to Belmont, and on the North by Morris Street, is hereby vested in the Commissioners of the Hospital and Poores' Asylum and their successors for ever.

Proceeds arising from sale of lands—how appropriated.

8. The Commissioners shall appropriate the funds arising from the sale of the lands vested in them by the fourth clause of this Act towards the erection of a Poores' Asylum on the lands vested in them by the seventh clause of this Act, and for the repairs and completion of the Hospital, and shall also expend such sums as may be granted by the Province and the City for the same purpose.

Surplus of money required—how provided.

9. All moneys required for the repairs and completion of such Hospital, and the erection of the Poores' Asylum, above the proceeds of lands sold under this Act, shall be provided and contributed by the Government and the City Council, in the proportion of two-thirds by the Government and one-third by the City Council.

City Council may borrow amt. not to exceed \$20,000.

10. The City Council shall borrow on the security of the City of Halifax, the amount to be contributed by them for the purposes aforesaid, not exceeding twenty thousand dollars, and shall issue debentures in the usual manner for the re-payment of the same with interest; and the City Council shall have power to include in the general assessment, from year to year, in addition to all other sums now provided for by law, the amount necessary to meet the annual interest upon such debentures.

City property liable to pay debentures.

11. The property, real and personal, of the City shall be made liable to pay the debentures to be issued by the city for the proportion to which it is made liable under the tenth section of this Act.

Commrs. shall have power of Overseers of Poor.

12. The Commissioners shall enjoy and may exercise within the City of Halifax all the powers of Overseers of Poor in their respective districts.

Assets of present Commrs. shall vest in Commrs. under this act.

13. The assets of the present Commissioners of the Poores' Asylum shall vest in the Commissioners under this Act, and their liabilities shall be assumed by them.

## CHAPTER 43.

## An Act to amend the Act concerning the City of Halifax, in relation to the Public Health.

(Passed the 18th day of April. A. D. 1866.)

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| <p>1. Mayor and Aldermen may exercise duties of Health Wardens.</p> <p>2. Sec. 316, cap. 81, Acts 1864, repealed.</p> <p>3. When premises are in filthy condition—proceedings to be taken to cleanse same.</p> <p>4. City Council may expend necessary amts. to cleanse drains, &amp;c.</p> | <p>5. City Council may borrow on credit of City said amounts.</p> <p>6. City may be assessed for sums expended under this Act.</p> <p>7. Sec. 506, cap. 81, Acts 1864 amended.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. The Mayor and every Alderman of the city of Halifax shall have, and may at his discretion exercise within the city all authority and duties of Health Wardens, under any law of the Province or ordinances of the city, or sanitary rules, regulations, or orders made or hereafter to be made by the Governor and Council or Board of Health.

Mayor and Aldermen may exercise duties of Health Wardens.

2. The three hundred and sixteenth section of chapter eighty-one, of the acts of 1864, is hereby repealed.

Sec. 316, cap. 81, Acts 1864, repealed.

3. Whenever it shall appear to the City Council, Board of Health, or Health Warden, that any dwelling house, building, cellar, lot of land, vacant ground, or premises, is in a state likely to endanger the public health, they shall cause a notice to be given to the owner or the occupant, if any, and if there is no occupant, and the owner does not reside within the city, may give notice, by advertisement, in one or more public newspapers, requiring such owner or occupant forthwith to remove such cause of complaint, as in such notice prescribed, and in case of neglect, the City Council or Board of Health shall order the same to be removed, and double the expense incurred in the removal and proceeding incident thereto shall be recovered by the city from the owner or occupant of the same, by proceeding in the Supreme Court or City Court, according to the amount.

When premises are in filthy condition proceedings to be taken to cleanse same.

4. The City Council are hereby authorized and empowered to lay out and expend such sums of money as shall be found necessary at any time, or from time to time, upon the presence or apprehension of contagious or epidemic disease, to thoroughly cleanse and purify, and keep clean, repair, and put in order, all sewers, drains, yards, and places within the city, or to carry into effect all sanitary orders of the Board of Health or Health Wardens, or which shall be requisite to protect the public health.

City Council may expend necessary amounts to cleanse drains, &c.

5. The City Council are hereby authorized and empowered to borrow, on the credit of the city of Halifax, all such sums of money as may from time to time be necessary for the pur-

City Council may borrow on credit of city said amounts.

poses, and to carry out the objects contemplated in the last preceding section, such sums not to exceed five thousand dollars ; and the real and personal estate of the city shall be liable to the lenders for the repayment of all monies advanced under the authority of this act.

City may be assessed for sums expended under this act.

6. The City Council are hereby authorized and empowered to assess, from time to time, the rate payers of the city over and beyond the general assessment, for all sums borrowed or expended under the authority of this act, the assessment to be made by the City and Ward Assessors at the same time and in the same manner as the general assessment, and to be added to the then next general assessment roll, and to be collected at the same time and in the same manner as that assessment.

Sec. 506, cap. 81, Acts 1864, amended.

7. Section five hundred and six, of chapter eighty-one, of the acts of 1864, is hereby amended by inserting the word "slaughter-house" before the word "factory" on the eighteenth line of said section, and substituting the word "day" for the word "month" on the twenty-first line of such section.

CHAPTER 44.

An Act to alter and amend the Act concerning the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

- 1. Sec. 14, Acts 1864 repealed. Members of Union Engine Co., Axe Fire Co. and Union Protection Co. may vote same as rate-payers.
- 2. Sec. 15 repealed. Militia Volunteer Artillery and Volunteer Corps.
- 3. Sec. 16 repealed. Alphabetical list of members of Engine, Union Protection, and Axe Fire Companies.
- 4. Sec. 396 repealed. Exemptions from Statute Labor.
- 5. Provisions of this Act retrospective.

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

Sec. 14, Acts 1864, repealed.

1. Section fourteen of chapter eighty-one, of the acts of 1864, is hereby repealed, and the following section shall be substituted :

Members of Union Engine Co. Axe Fire Co. and Union Protection Co. may vote same as rate-payers.

Every member of the Union Engine Company, Axe-Fire Company, and Union Protection Company, not assessed as liable to city rates, shall have the same privileges of voting at city elections as rate payers upon producing a certificate from the City Treasurer, as is hereinafter required ; provided that the members of the Union Engine Company hereby entitled to vote, do not exceed one hundred and fifty in number.

Sec. 15 repealed.

2. Section fifteen of said chapter is hereby repealed, and the following section shall be substituted in its stead :

Militia Volunteer Artillery and Volunteer Corps.

The members of the Militia Volunteer Artillery, and the members of other Militia Volunteer Corps in the city of Halifax, being effective members of such corps, shall also have the privilege of voting at city elections, provided such privilege shall not extend to men non-effective, or honorary members of any Volunteer Corps, nor to parties assessed for city rates.

3. Section sixteen of said chapter is hereby repealed, and the following shall be substituted in its stead : Sec.16 repealed.

On or before the first day of June next, and on or before the first day of March in each succeeding year, an alphabetical list of all members of the Union Engine Company, Axe-Fire Company, and Union Protection Company, with the number of the ward in which each member resides set opposite his name, shall be prepared and signed by the Captains, Presidents, or superior officers of such Companies, and countersigned by the Secretaries or Clerks thereof; and such Secretaries or Clerks shall verify by affidavit such lists as being correct, and shall, on or before the said first day of March, hand the lists so verified into the office of the City Treasurer. Alphabetical list of members of Engine, Union Protection, and Axe Fire Companies.

4. Section three hundred and ninety-six of the said act is hereby repealed, and the following substituted therefor : Sec. 396 repealed.

All persons who have actually served as Enginemen, Firemen, or Axe-men, for a period of twelve years, in the city of Halifax, shall be exempt from all statute labor except in respect of cattle and teams, and from serving on juries and in the office of constable. Such exemptions shall extend to persons who shall have actually served as Firemen or Enginemen for the period above specified, and shall have obtained a certificate from the Captain or Lieutenant of the Company, countersigned by the Secretary. Exemptions from Statute Labor.

5. The provisions of this act shall be retrospective so far as the exemptions contained in the last preceding section are concerned. Provisions of this Act retrospective.

## CHAPTER 45.

### An Act respecting Water Supply for the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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|----------------------------------------------------------|-----------------------------------------|
| 1. City may procure loan of \$80,000 for water purposes. | Debentures free from taxation.          |
| 2. City may issue debentures.                            | 3. Debentures not less than \$400 each. |
|                                                          | 4. Interest—how paid.                   |

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

1. That for the purpose of obtaining a high service and more ample supply of water for the city, the city of Halifax is hereby authorized and empowered to procure, on the credit of the said city, in addition to the existing amount borrowed for water supply, a loan not to exceed the sum of eighty thousand dollars; and that the lands, tenements, and property of the said city, shall be held and bound for the repayment of the said loan or money borrowed. City may procure loan of \$80,000 for water purposes.

2. That in order to affect such loan, the City Council are hereby authorized and empowered to make and issue, from time to time, as they deem expedient, debentures in the form specified in schedule A, under the six hundred and thirty- City may issue debentures.

second section of chapter eighty-one of the twenty-seventh Victoria, bearing interest at a rate not over six pounds per centum per annum, payable half-yearly, and redeemable at periods not exceeding fifty years from the dates of the issuing of such scrip. Provided that the whole amount of such debentures shall not exceed the sum of eighty thousand dollars, and the holders of such debentures shall be free and exempt from all city taxation for and on account of the same.

Debentures free from taxation.

Debentures not less than \$400 each.

Interest—how paid.

3. Such debentures shall not be issued for a less sum than four hundred dollars each, and shall bear interest at a rate not exceeding six pounds per centum per annum, signed by the Mayor, City Clerk, and Treasurer of the City of Halifax, and verified by the city seal.

4. The interest on the debentures issued under this act shall be paid out of the annual income of water supply, as specified in the 621st section of the said chapter 81 of 27 Victoria; and in case the income shall not be sufficient for the purposes mentioned in that section and the payment of the half-yearly interest on the debentures issued under this act, the deficiency shall be made good and supplied by general assessment on the citizens of Halifax, and the City Council are empowered and shall be compelled to make such assessment.

## CHAPTER 46.

### An Act to authorize the erection of a Slaughter House within the city of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. City may erect Slaughter house. May borrow \$4000.</p> <p>2. Money shall be tendered for.</p> <p>3. Form of certificates. Certificates transferable.</p> <p>4. Principal money to be repaid in twenty years.</p> | <p>5. The loan and interest to be a charge on revenues of city.</p> <p>6. Animals shall only be killed in slaughter house.</p> <p>7. Penalty for killing otherwise than in slaughter house.</p> <p>8. City Council may make rules relating to slaughter house.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

City may erect slaughter house.

May borrow \$4000.

Money shall be tendered for.

1. The City of Halifax is hereby empowered to erect within the said city a slaughter house, where animals for food are to be slaughtered. For the purpose of erecting such slaughter house the City of Halifax shall have power to borrow, on the credit of the city, a sum or sums of money not to exceed in the whole the sum of four thousand dollars, at a rate of interest not to exceed six per cent. per annum, to be expended by the City Council, or under their direction.

2. The loan may be obtained at once, or in portions, from time to time, as the City Council may decide. Tenders for the money shall be advertised for in two or more of the newspapers published in the city for one month, and the tender expressing the lowest rate of interest shall be preferred.

3. The lenders shall receive for every four hundred dollars so lent a certificate under the city seal, signed by the Mayor, and countersigned by the City Clerk, drawn in favor of such lenders, their endorsees, or assigns, specifying the terms of loan and rate of interest, such interest to be payable half yearly. The certificate shall be transferable by an endorsement of the holder's signature, in the same manner as promissory notes.

Form of certificates.

Certificates transferable.

4. The principal monies of such loan shall be repaid to the lender or lenders within twenty years from the date of such loan; but the city may, at its option, pay off such certificates in whole or part at the end of ten years, and after that period at any time, on six months' notice, may pay off the whole or any part thereof.

Principal money to be repaid in 20 years.

5. The loan hereby authorized, and interest, shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged.

The loan and interest to be a charge on revenues of city.

6. When the slaughter house shall have been erected, no person shall slaughter such animals or cattle within the city of Halifax except at the slaughter house so built by the city; and every person who slaughters such animals or cattle within the city of Halifax shall hereafter take out from the city a license permitting him to slaughter, for which he shall pay the city the sum of twenty dollars.

Animals shall only be killed in slaughter house.

7. Any person who shall slaughter such animals at any other place within the city than at the said slaughter house, or shall slaughter without license, shall forfeit and pay, on conviction, to the city of Halifax, a penalty not less than twenty dollars nor more than two hundred dollars for each offence, to be recovered in the name of the city at the Police Office.

Penalty for killing otherwise than in slaughter house.

8. The City Council shall have power, by resolution, to make rules and regulations respecting the slaughtering of such animals and cattle within the city, and for the government of the slaughter houses when erected.

City Council may make rules rel. to slaughter house.

CHAPTER 47.

An Act to alter and further amend the Act concerning the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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

1. Section 127 of the said act is repealed, and the following substituted instead:—"Suits for debts or dealings, when the whole amount claimed is less than eighty dollars, and either plaintiff or defendant does not reside within the city of Halifax, may be sued, defended or tried in any court having jurisdiction."

Sec. 127 repealed.

Suits under \$80 when plaintiff or defendant does not reside in the city—how tried.

## CHAPTER 48.

## An Act respecting Assessment in the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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

Moneys loaned to the city, &c., free from taxation.

1. All moneys which have been heretofore loaned, or which may be hereafter advanced on real estate within the city of Halifax, for which mortgage securities have been or may be taken, shall be exempt and free from city assessment; and neither the lender nor the borrower shall be liable to pay taxes to the city of Halifax on such securities.

## CHAPTER 49.

## An Act relating to the Sessions of the County of Halifax.

(Passed the 18th day of April, A. D. 1866.)

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Grand and Petit Juries for Halifax need not attend Sessions on 1st Tuesday of June and September unless specially summoned.</p> <p>2. Sessions may try in a summary way larcenies under \$80, and assaults.</p> | <p>3. Persons may punish by fine up to \$100, or imprisonment for twelve months.</p> <p>4. Electoral Districts shall be Poor Districts. Overseers for each District.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

Grand and Petit Juries for Halifax need not attend Sessions on 1st Tuesday of June and Sept. unless specially summoned.

1. The Grand and Petit Juries for the county of Halifax shall not hereafter be summoned to give their attendance at the sessions for the county of Halifax on the first Tuesdays of June or September, unless the Custos, or in his absence, the senior Justice shall deem it requisite, in which case he shall direct the Clerk of the Peace to issue a precept requiring the attendance of both or either of said juries, who, upon being summoned, shall be bound to attend.

Sessions may try in a summary way larcenies under \$80, and assaults.

2. The Sessions for the county of Halifax, when no jury shall be in attendance (at which Sessions not less than five Justices shall be present) may, in a summary way, hear and try all larcenies when the property stolen shall not exceed eighty dollars, and also all cases of assault.

Sessions may punish by fine up to \$100, or imprisonment twelve months.

3. The Sessions shall have power to punish by fine or imprisonment, or both, with or without hard labor, as they shall see fit; but in no case they shall be allowed to fine beyond one hundred dollars, or to imprison in the penitentiary or county jail beyond twelve months.

Electoral districts shall be Poor districts. Overseers for each district.

4. The several electoral districts of the county of Halifax shall hereafter be established as districts for the support of the poor of said districts respectively, and the inhabitants, at any public meeting held, shall appoint two Overseers of the Poor for each of said districts, and in case of neglecting so to do, the Special Sessions shall make such appointments.

CHAPTER 50.

An Act to provide for the appointment of Special Constables within the City of Halifax.

(Passed the 7th day of May, A. D. 1866.)

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>1. Mayor and Aldermen may appoint Special Constables. Exemptions.</li> <li>2. Special constables shall be sworn in, and be under direction of Mayor or presiding Alderman.</li> <li>3. Time for which such constables shall serve.</li> </ul> | <ul style="list-style-type: none"> <li>4. Time of service may be prolonged by notice—but not to exceed two months.</li> <li>5. In time of riot, &amp;c., Mayor, &amp;c., may appoint special constables verbally.</li> <li>6. Penalty for refusing to be sworn.</li> <li>7. Penalty for refusing to assist constable.</li> <li>8. Constables not to be re-sworn when re-appointed.</li> </ul> |
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Be it enacted by the Governor, Council, and Assembly, as follows:

1. It shall be lawful for the Mayor of the city of Halifax, whenever he shall deem it expedient for the preservation of the public peace, to appoint, with the concurrence of any two Aldermen, such number of special constables as they shall see fit, and such appointment shall be made in writing, under the hands of the Mayor and Aldermen concurring therein. No Justice of the Peace or member of the Legislature, and no person in the military or naval service, or over the age of sixty years, shall be compelled to serve as such special constables.

Mayor and two Aldermen may appoint Special Constables.

Exemptions.

2. The special constables so appointed shall be sworn to the faithful discharge of their duty before the Mayor or an Alderman, and shall, during their continuance in office, be under the direction of the Mayor or Presiding Alderman.

Special Constables shall be sworn in, and be under direction of Mayor or presiding Alderman.

3. The appointment of such special constables shall continue in force for such time as may be specified in the writing appointing the same, such time not to exceed one month, and in default of any time being specified, for fourteen days from the date of such appointment, unless sooner revoked by the Mayor.

Time for which such Constables shall serve.

4. Whenever special constables shall be under this act, or have been under any law of this Province appointed within the city, it shall be lawful for the Mayor and two Aldermen, at the expiration of the time for which they may be or have been originally appointed, to continue them in office, by an order to be duly published in any two of the city newspapers to that effect, for any further time, to be specified in such order, not exceeding one month; but in no case shall the same person be required to serve more than two months in succession.

Time of service may be prolonged by notice, but not to exceed two months.

5. In case of actual riot, tumult, disturbance, or illegal act of any kind, accompanied with force and violence within the city of Halifax, the Mayor, or in his absence, the Presiding Alderman may verbally appoint and swear in persons liable to serve under this act as special constables, who shall act in restoring and preserving order until such disturbance and all just apprehensions of a renewal thereof shall have ceased.

In time of riot, &c., Mayor, &c. may appoint Special Constables verbally.

Penalty for refusing to be sworn.

6. Any person who may be appointed a special constable under this act, and shall neglect or refuse to be sworn into office, shall be liable to a penalty not exceeding eight dollars.

Penalty for refusing to assist Constable.

7. Any person who shall resist or refuse, upon request made, to assist any constable in the execution of his duty, shall be subject to a penalty of not less than two dollars, and not more than twenty dollars, to be recovered, if in the city, on conviction, in the Police Court, and on non-payment the offender shall be committed to the county jail for a period not exceeding thirty days.

Constables not to be re-sworn when reappointed.

8. In case of any re-appointment of special constables as hereinbefore provided, they shall not be required to be re-sworn.

## CHAPTER 51.

An Act to authorize the appointment of an additional Health Officer for the Port of Halifax.

(Passed the 18th day of April, A. D. 1866.)

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

Health Officer, with approval of Governor in Council, may appoint Asst. Health Officer.

1. The Health Officer of the Port of Halifax is hereby authorized and empowered, with the approval of the Governor in Council, to appoint a Health Officer to act as his assistant, and, in case of his absence, to perform the duties of Health Officer for the said port.

## CHAPTER 52.

An act to alter and amend the Jury Law, so far as relates to the County of Halifax.

(Passed the 7th day of May, A. D. 1866.)

1. Cap. 8, Acts 1865 not to apply to County of Halifax.
2. On last day of sittings Prothonotary shall draw sufficient number of Grand Jurors.

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

Cap. 8, acts 1865, not to apply to County Halifax

1. From and after the next sitting of the Supreme Court at Halifax, the provisions of chapter 8 of the acts of 1865, entitled An Act to amend Chapter 136 of the Revised Statutes, "Of Juries," shall not apply to the county of Halifax.

On last day of sittings, Prothonotary shall draw sufficient number of Grand Jurors.

2. On the last day of the ensuing sittings of the Supreme Court at Halifax, the Prothonotary shall draw a sufficient number of Grand Jurors to supply the place of those Grand Jurors at present liable to serve as such and residing at a greater distance than fifteen miles from the city of Halifax.

## CHAPTER 53.

## An Act relating to Assessments in the County of Halifax.

(Passed the 18th day of April, A. D. 1866.)

1. Cap. 24, Acts 1862, in force in the County of Halifax.
2. Assessments of 1865 and 1866 legalized.

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

1. Chapter 24 of the acts of 1862 to amend chapter 46 of the Revised Statutes, second series, "Of County Assessments," is hereby declared to be in force in the county of Halifax, anything in chapter 45 of the Revised Statutes, third series, to the contrary notwithstanding.

Cap. 24, Acts 1862, in force in the county of Halifax.

2. The assessments for the county of Halifax for the years 1865 and 1866, respectively, in accordance therewith, are legalized and confirmed.

Assessments of 1865 and 1866 legalized.

## CHAPTER 54.

## An Act to authorize the sale of certain School Property in the County of Shelburne.

(Passed the 7th day of May, A. D. 1866.)

1. Trustees of section 19 authorized to sell school house, &c.
2. All incumbrances to be paid out of proceeds of sale.
3. Balance to go to credit of county academy.

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

1. The trustees of school section number nineteen in the district of Shelburne are hereby empowered, after at least ten days' public notice thereof, to sell at public auction the building and lot of land in such section conveyed in 1861 by the Sons of Temperance to the Commissioners of Schools, and may execute and deliver to the purchaser a deed which shall convey the title to such purchaser.

Trustees of sec. 19 authorized to sell school house, &c.

2. From the proceeds arising from such sale, the trustees shall first pay and satisfy all incumbrances on said property by way of mortgage or otherwise, including any claims by the Sons of Temperance; and in case of any difficulties arising, the same shall be settled by arbitration.

All incumbrances to be paid out of proceeds of sale.

3. The balance remaining after such settlement shall be used by the trustees of schools within the section to meet the liabilities incurred in connection with the present county academy.

Balance to go to credit of county academy.

## CHAPTER 55.

An Act to authorize the sale of the lot of land, with School-house thereon, at Lower Stewiacke.

(Passed the 7th day of May, A. D. 1866.)

Preamble.

Whereas, John Tays holds in trust for himself and others two acres of land, with a school-house thereon, situate at Lower Stewiacke, the same having been purchased by persons formed into an association for the purpose of erecting a school-house; and whereas, at a meeting of such association the said John Tays was authorized to sell the said property;

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

John Tays may sell lot of land and School House.  
Proceeds—how applied.

1. John Tays is hereby authorized to sell and dispose of the said lot of land and school-house, and to convey the fee simple thereof to the purchaser, and to appropriate the proceeds of such sale for the benefit of the said association.

## CHAPTER 56.

An Act to authorize an Assessment on the inhabitants of the town plot of Dartmouth.

(Passed the 7th day of May, A. D. 1866.)

1. Inhabitants of Dartmouth may assess themselves for \$600 to obtain plan of township.
2. Commissioners of Streets may borrow said amount.
4. Amount to be repaid in three years.
4. General or Special Sessions may assess for amount.

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

Inhabitants of Dartmouth may assess themselves for \$600 to obtain plan of township.

1. The rateable inhabitants residing within the town plot of the township of Dartmouth, in the county of Halifax, may assess themselves, at any public meeting to be called for the purpose by any three of the Justices of the said county, notice of such meeting having been first given by handbills posted up within the limits of such town plot at least ten days previous to such meeting, in a sum not exceeding six hundred dollars, for the purpose of obtaining a good and sufficient plan of said town plot.

Commissioners may borrow said amount.

2. The Commissioners of Streets for the said township are hereby authorized to borrow the sum of six hundred dollars for the purpose aforesaid, by pledging the security of this act.

Amount to be repaid in three years.

3. Such sum and interest thereon, at the rate of six per centum per annum, shall be repaid in three years in the following manner, viz., the sum of two hundred dollars and interest in one year, the sum of two hundred dollars and interest in two years, and the sum of two hundred dollars and interest in

three years, from the time such sum of six hundred dollars is so borrowed.

4. A general or special sessions shall assess such amounts as aforesaid upon the inhabitants of the said town plot, and the same shall be collected and enforced in the same manner as poor and county rates are now collected and enforced.

General and Special Sessions may assess for amount.

## CHAPTER 57.

An Act to provide for repairing River Philip Bridge in the County of Cumberland.

(Passed the 7th day of May, A. D. 1866.)

1. Member of County may borrow \$600. 2. Commissioners—how appointed.

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

1. The members of the County of Cumberland may borrow on the pledge of the road moneys of the county and the security of this act, a sum not to exceed sixteen hundred dollars, to be expended in repairing the bridge across the mouth of River Philip, such loan, together with interest thereon at a rate not exceeding six per centum per annum, to be repaid by two equal instalments out of the road moneys of the county for the years 1867 and 1868.

Members of county may borrow \$1600.

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

Comms.—how appointed.

## CHAPTER 58.

An Act to provide for improving certain Roads and Bridges in the County of Victoria.

(Passed the 7th day of May, A. D. 1866.)

1. Members of County may borrow \$4000. 2. Commissioners—how appointed.

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

1. The members of the County of Victoria may borrow on the pledge of the road moneys of the county, and the security of this act, a sum not exceeding four thousand dollars, to be expended in improving certain roads and bridges in that county; such loan, together with interest thereon at a rate not exceeding six per cent per annum, to be repaid by four equal instalments out of the road moneys of the county for the years 1867, 1868, 1869, and 1870, until the whole sum borrowed shall have been repaid.

Members of county may borrow \$4000.

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

Comms.—how appointed.

## CHAPTER 59.

## An Act to authorize the appointment of a Judge and Registrar of Probate, and of a Registrar of Deeds in the District of Barrington.

(Passed the 7th day of May, A. D. 1866.)

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|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 1. Governor in Council may appoint Judge and Registrar of Probate and Registrar of Deeds for Barrington. | 3. Portions of cap. 113 Revised Statutes in force as regards this act. |
| 2. All deeds, &c., within district to be registered in Barrington office.                                | 4. Cap. 127 Revised Statutes in force in district of Barrington.       |

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

1. The Governor in Council is hereby authorized to appoint a Judge and Registrar of Probate and a Registrar of Deeds for the District of Barrington.

2. All deeds, conveyances, and instruments affecting lands within the district of Barrington, shall, after such appointment, be registered in the office of the Registrar of Deeds for such district.

3. So much of chapter 113 of the Revised Statutes, second series, "Of the Registry of Deeds and incumbrances affecting lands, as applies to Registrars of Deeds in Counties, and the mode of registry of incumbrances affecting lands," shall, after such appointment aforesaid, be applicable to and be in force in the district of Barrington.

4. Chapter 127 of the Revised Statutes, third series, "Of the Court of Probate," shall extend to and be in force in the district of Barrington so soon as the appointments aforesaid shall be made by the Governor in Council.

Governor in Council may appoint Judge and Registrar of Probate and Registrar of Deeds for Barrington.

All deeds, &c., within district to be registered in Barrington office.

Portions of cap. 113 Rev. Stats. in force as regards this act.

Cap. 127 Rev. Stats. in force in district of Barrington.

## CHAPTER 60.

## An Act to provide a Cemetery for Trinity Church, Digby.

(Passed the 7th day of May, A. D. 1866.)

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

1. The Trustees of the Digby Common are hereby authorized to set off, for the purpose of a cemetery or burial ground for Trinity Church, Digby, a certain portion of such common, on the east side of the Episcopal burying ground, running twenty rods on the old Sissiboo road, and thence southerly, keeping the same width to the rear, to lands owned by James A. Dennison, thence westwardly to the aforesaid burying ground; and the Trustees shall convey the same to such person or persons as may be appointed by the Parish of Trinity Church to receive the same, for the purpose of being used solely as a place of burial.

Trustees of Common may set off portion for burial ground.

## CHAPTER 61.

## An Act to legalize Assessment Rolls for the County of Kings.

(Passed the 7th day of May, A. D. 1866.)

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

1. The assessment rolls for the County of Kings for the present year are hereby legalized and confirmed, notwithstanding that the same may not have been completed in accordance with the provisions of chapter 46 of the Revised Statutes, "Of County Assessments."

Assessment for present year legalized.

## CHAPTER 62.

## An Act to change the name of Little Arichat in the County of Richmond.

(Passed the 7th day of May, A. D. 1866.)

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

1. The district known as Little Arichat, in the County of Richmond, shall hereafter be called and known by the name of West Arichat, and the village of Little Arichat in such district, shall be hereafter designated Acadiaville.

Name of Little Arichat chang'd to West Arichat

## CHAPTER 63.

## An Act to provide for improving certain Roads and Bridges in the County of Antigonishe.

(Passed the 7th day of May, A. D. 1866.)

1. Members of County may borrow \$1600 on credit of County road money.
2. Money shall be expended by Commissioners.

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

1. The members of the County of Antigonishe may borrow on the pledge of the road moneys of the County, and the security of this act, a sum not exceeding sixteen hundred dollars, to be expended in improving certain roads and bridges in that county ; such loan, together with interest thereon, at a rate not exceeding six per centum per annum, to be repaid by two equal instalments out of the road moneys of the County for the years 1867 and 1868, until the whole sum borrowed shall have been repaid.

Members of County may borrow \$1600 on credit of County road money.

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

Money shall be expended by Commissioners.

## CHAPTER 64.

## An Act to establish a Public Landing at Paradise Bridge, Annapolis.

(Passed the 7th day of May, A. D. 1866.)

1. Sessions to lay off land for public landing.
2. Amount to be paid for such land to be assessed on county.
3. Portions of cap. 45 Revised Statutes applicable to this act, in force.

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

Sessions to lay off land for public landing.

1. The Sessions for the County of Annapolis are hereby authorized and empowered to lay off a sufficient quantity of land at Paradise Bridge to afford a public landing for the use of the public.

Amount to be paid for such land to be assessed on County.  
Portions of Cap. 45 Rev. Statutes applicable to this act in force.

2. The amount to be paid for the land so taken shall be paid to the owner thereof by assessment, to be levied upon the County of Annapolis.

3. So much of chapter 45 of the Revised Statutes, "Of County Assessments," as applies to this act, is hereby declared to be in force in relation thereto.

## CHAPTER 65.

## An Act relating to Assessment for Schools in the County of Yarmouth.

(Passed the 7th day of May, A. D. 1866.)

Preamble.

Whereas in 1864 the Commissioners of Schools for the County of Yarmouth considerably enlarged School Section Number 4 at Milton, and a considerable sum of money was thereafter assessed upon such enlarged section for the erection of a school-house, which amount was collected and the building erected ; and whereas in 1865 the Commissioners of Schools rearranged such School Section, altering the same, and leaving out the larger number of those persons included therein by the action taken in 1864 ;

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

Portion of Assessment of 1864 refunded.

1. The amount of the assessment levied and collected in 1864 from those persons in School Section Number 4, who have by the action of the School Commissioners in 1865, been excluded from such section, shall be refunded to them less five per cent., and such sum shall be levied and collected upon residents in said school section as now established.

## CHAPTER 66.

An Act to amend the Act for the better Encouragement of Education, so far as relates to the County of Queens.

(Passed the 7th day of May, A. D. 1866.)

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

1. The Trustees of School Section Number 8, in the County of Queens, comprehending the town of Liverpool and Bristol, shall have the period within which to levy and assess year by year, the amount required for the purpose of purchasing lands and purchasing and erecting school-houses, under clause 4, section 38, of the act hereby amended, extended to the term of ten years.

Time of levying and assessing for school-house, &c., extended to ten years.

## CHAPTER 67.

An Act to legalize the proceedings of the Sessions in the County of Cape Breton.

(Passed the 18th day of April, A. D. 1866.)

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

1. The acts of the Grand Jurors at the March Term of the General Sessions of the Peace at Sydney, in the County of Cape Breton, for the present year, are hereby declared legal and valid, although such Grand Jurors were not returned or drawn in manner prescribed by chapter 8 of the acts of 1865, entitled, an act to amend chapter 136 of the Revised Statutes, "Of Juries."

Acts of Grand Jury, March term, declared valid.

## CHAPTER 68.

An Act to authorize the sale of the old School House at Annapolis.

(Passed the 18th day of April, A. D. 1866.)

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

1. Edward Barteaux, Charles M. Forbes, and George Hardwick, Trustees of the Academy at Annapolis, are hereby authorized to sell and dispose of such Academy after not less than fifteen days public notice of such sale having been first given, and to apply the proceeds thereof towards erecting a new Academy.

Trustees authorized to sell academy.

CHAPTER 69.

An Act to legalize the Assessment Rolls for the County of Digby.

(Passed the 7th day of May, A. D. 1866.)

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

Assessment Roll for present year legalized.

1. The Assessment Rolls for the county of Digby for the present year are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited under the provisions of chapter 45 of the Revised Statutes, "Of County Assessments."

CHAPTER 70.

An Act to protect the Navigation of Cow Bay, in Cape Breton.

(Passed the 7th day of May, A. D. 1866.)

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|-------------------------------------------------------------------------|----------------------------------------------------------------|
| 1. No ballast shall be discharged into bay.                             | 5. Harbor Masters shall notify masters of vessels of this act. |
| 2. Ballast—where to be discharged.                                      |                                                                |
| 3. Penalty for discharging ballast illegally.                           |                                                                |
| 4. Actions for penalty may be brought before two Justices of the Peace. |                                                                |
|                                                                         | 6. Penalty for Harbor Master neglecting his duty.              |

Preamble.

Whereas, a large number of vessels in ballast annually resort to the collieries in Cow Bay, and have been in the habit of discharging their ballast in the open bay, thereby seriously injuring the navigation ; and whereas, a breakwater has recently been erected in said bay, for the protection of the shipping resorting thereto ; and whereas, the deposit of ballast in such breakwater would strengthen the same and benefit the navigation of the bay.

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

No ballast shall be discharged into bay.

Ballast—where to be discharged

1. From and after the passing of this act, it shall not be lawful to discharge ballast into the waters of Cow Bay.

2. All vessels resorting to said bay shall be at liberty to discharge ballast at the said breakwater ; but in any case where vessels can not safely and conveniently discharge their ballast at the said breakwater, and not otherwise, the same may be discharged at any point on the south side of the bay near the shore, as may be directed for that purpose by the Harbor Master.

Penalty for discharging ballast illegally.

3. Any person discharging ballast in the waters of said bay, except as herein provided, shall be liable for each offence in a penalty of twenty dollars, to be sued for by the Harbor Master or any other person who shall think fit to sue for the same ;

the proceeds to be applied, one-half to the prosecutor, the other half to the Overseers of the Poor of Cow Bay district, for the use of the poor.

4. Actions may be brought before two Justices of the Peace for any penalty incurred under this act; and in case it shall appear by affidavit before one of the Justices to whom complaint is made, that the offender is about to leave the Province or the county, he may be arrested for the amount of the penalty, as in ordinary cases of civil proceedings for debt, and imprisoned or held to bail for his appearance.

Actions for penalty may be brought before two Justices of the Peace.

5. The Harbor Master of Cow Bay, immediately upon any vessel entering and anchoring in the bay, shall board such vessel and deliver to the master or other person in charge a printed copy of this act, and shall take all legal proceedings necessary to enforce and carry out this act.

Harbor Master shall notify masters of vessels of this act.

6. Any Harbor Master of said bay neglecting his duty as prescribed by this act, shall, for every offence, be liable to a penalty of ten dollars, to be recovered by any person who shall sue for the same, in manner prescribed for other penalties in this act,—the proceeds to be paid over to the Overseers of the Poor, for the purposes aforesaid.

Penalty for Harbor Master neglecting his duty.

## CHAPTER 71.

### An Act to legalize Assessment Rolls for the County of Annapolis.

(Passed the 7th day of May, A. D. 1866.)

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

The Assessment Rolls for the county of Annapolis for the present year are hereby legalized and confirmed, as if the same were completed under the provisions of chapter 46 of the Revised Statutes, "Of County Assessments."

Assessment Rolls for present year legalized.

## CHAPTER 72.

### An Act to legalize the Assessment Rolls for the District of Barrington.

(Passed the 18th day of April, A. D. 1866.)

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

1. The Assessment Rolls for the district of Barrington for the present year are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited therefor, under the chapter of the Revised Statutes, "Of County Assessments."

Assessment Rolls for present year legalized.

CHAPTER 73.

An Act relating to the School Section in Wolfville.

(Passed the 7th day of May, A. D. 1866.)

Preamble.

Whereas, inconveniences have arisen in the school section of Wolfville, by reason of the steps necessary for the support of schools and the erection of school houses in that school section not having been taken at the last annual meeting :

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

A meeting may be called to transact school business.

1. A meeting may be called in that school section by the Trustees during the month of May next, as provided by section eighteen of the "Act to amend the Act for the better Encouragement of Education," but without any requisition from the rate-payers of that section ; and the meetings so called shall have power to transact all the business specified in section three of the said act.

CHAPTER 74.

An Act to extend the provisions of Chapter 63 of the Revised Statutes, "Of Commissioners of Streets," to the town of Antigonishe.

(Passed the 18th day of April, A. D. 1866.)

- |                                                                                                              |                                                                   |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1. Provisions of chapter 63, Revised Statutes extended to Antigonish. Limits of Commissioners' jurisdiction. | 3. Powers of Commissioners.                                       |
| 2. Appointment of Commissioners confirmed.                                                                   | 4. Duties of overseers to cease on the act coming into operation. |

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

Provisions of cap. 63, Revised Statutes extended to Antigonish.

1. The provisions of chapter 63 of the Revised Statutes, "Of Commissioners of Streets," are hereby extended to the town of Antigonishe, and the jurisdiction of the Commissioners of Streets for the same shall be confined to the limits following, that is to say : On the Hollowell Grant road to the south line of Carroll's land ; on the harbor road, including landing road to Angus McEachran's eastern line ; on St. Andrew's road to south end of bridge at McAmes' ; on Glen road to southern end of Wilkie's bridge ; on Marshy Hope road to T. S. Lindsay's west line ; on north grant road to Donald McDonald's south line ; and on Church street to H. P. Hill's south line, and to include new streets opened up.

Limits of Commissioners' jurisdiction.

2. The appointment of Aaron D. Harrington, Robert Trotter, and Robert N. Henry, senior, Esquires, as Commissioners of Streets for said district, is hereby ratified and confirmed and made, notwithstanding any supposed or real informality or

Appointment of Commissioners confirmed.

defect in such appointment by the Grand Jury and Sessions, subject to the provisions of said chapter, in respect of refusal to act, retirement or removal from office of such Commissioners and the supplying of vacancies.

3. The said Commissioners and their successors in office shall have the same powers within the district above mentioned as are possessed by other Commissioners within their respective districts, under the above named chapter of the Revised Statutes.

Powers of Commissioners.

4. As soon as this act shall come into operation, the duty of Overseers of the Highways shall cease within the above limits, but not till then; and thereupon the duty of said Commissioners under this act shall commence, and they shall have power as such Commissioners.

Duties of Overseers to cease on the act coming into operation.

## CHAPTER 75.

An Act to amend Chapter 72 of the Revised Statutes, "Of Commissioners of Sewers and the regulating of Diked and Marsh lands," so far as relates to the Grand Pre and Wickwire Dikes.

(Passed the 7th day of May, A. D. 1866.)

1. No one, without consent of two Commissioners, shall disturb dike. Penalty.
2. No one shall cut dike for roadway, except by permission of two Commissioners. Penalty.
3. Dike rates, how assessed.
4. Interest may be charged on balances of rates.

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

1. No person shall dig, plough down, or in any way disturb from their present condition any of the dikes surrounding or enclosing the Grand Pre, unless with the consent of at least two of the Commissioners; and any person so offending shall be liable to a penalty not exceeding eighty dollars, to be recovered in the name of the Commissioners, or one of them, as a private debt, and when recovered to be appropriated by the Commissioners to the same uses and purposes as the other moneys in their hands.

No one, without consent of two Commissioners, shall disturb dike.

Penalty.

2. No person shall dig or cut down any dike or embankment serving the purpose of protecting from the tides the lands enclosed by the dike in the first clause mentioned, for a roadway or any other purpose, without a written permission from two Commissioners of such dike; and any person so offending shall be liable to a penalty not exceeding eighty dollars, to be recovered and applied as in the preceding section; and in case such written permission be granted, the party so digging or cutting down the dike or embankment shall repair the same, and shall be liable to pay all damages resulting from his neglect.

No one shall cut dike for roadway, except by permission of two Commissioners.

Penalty.

Dike rates—  
how assessed.

3. The Commissioners of the Wickwire Dike in Horton may from time to time summon all the proprietors within ten miles to meet and choose three fit and proper persons to act with the Commissioners in assessing and equalizing all the lands enclosed by such dike, in order that all such lands may be rated according to their value; and such assessment when made, and entered on the minutes, shall be binding on the the proprietors.

Interest may be  
charged on  
balances of  
rates.

4. The Commissioners of the Wickwire dike may collect interest on all balances of rates due from the proprietors at the end of the year, or at the time when the dike books are made up, and work done during the following year shall not offset such balances until the rate for the current year is first settled and paid.

#### CHAPTER 76.

An Act to enable the Trustees of a School District in the County of Cumberland to sell certain property.

(Passed the 7th day of May, A. D. 1866.)

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

Trustees may  
sell old school-  
house.

1. Alexander Dewar, Peter Stewart, and David M. Lowdon, Trustees of School District Number 24, in the County of Cumberland, are hereby empowered to sell and convey, in fee simple, to such persons and for such sum as they may deem proper, the old school house and lot situate in said district, and to expend the proceeds of such sale in the erection of a new school house within the district.

#### CHAPTER 77.

An Act to authorize the sale of the School-house and lot in Bridgetown.

(Passed the 18th day of April. A. D. 1866.)

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

Jos. Wheelock  
authorized to  
convey lot of  
land and school-  
house.

1. Joseph Wheelock, Esquire, surviving trustee, under deed of trust dated the twentieth of June, in the year one thousand eight hundred and thirty-one, from James Clark, is hereby authorized to convey the lot of land and the remains of the school-house in Bridgetown to the best purchaser that can be obtained therefor, and shall pay over the proceeds of such sale towards purchasing a new lot of land and erecting a school-house thereon in Bridgetown, aforesaid.

## CHAPTER 78.

An Act to legalize Assessment Rolls for the District of Chester.

(Passed the 7th day of May, A. D. 1866.)

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

1. The Assessment Roll for Blandford polling district, as taken for the year 1865, is hereby legalized and confirmed; and all the assessment rolls for the district of Chester for the same year are hereby declared legal and valid, although the assessors may not have strictly complied with the requirements of chapter 45 of the Revised Statutes, "Of County Assessments."

Assessment  
Rolls for present  
year confirmed.

## CHAPTER 79.

An Act to extend the time for the repayment of a Loan by the County of Pictou.

(Passed the 7th day of May, A. D. 1866.)

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

1. The Members for the county of Pictou are hereby authorized to arrange for the extension of the time limited by chapter 104 of the acts of 1865 for the payment of the balance of money borrowed under authority of chapter 52 of the acts of 1860, and the payment thereof may be made in 1867, instead of 1866.

Time of payment  
extended one  
year.



**PRIVATE ACTS.**



# PRIVATE ACTS.

## CHAPTER 80.

### An Act to incorporate the Richmond Coal Mining Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                         |                                                                       |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. Incorporation.                                                       | 6. Meetings of Company—when and where held. Agent—service of process. |
| 2. Capital stock. Shares.                                               | 7. Subscription books, &c.                                            |
| 3. First meeting of Company—when and where held. Company—how organized. | 8. Proceedings to obtain lands.                                       |
| 4. Liability of shareholders.                                           | 9. List of stockholders.                                              |
| 5. Stock may be issued for purchase of lands, &c.                       | 10. Corporation may construct railroads, &c.                          |
|                                                                         | 11. Company—when to go into operation.                                |
|                                                                         | 12. Act—when to cease.                                                |
|                                                                         | 13. Books, &c., open to inspection.                                   |

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

1. David Fairbanks, Samuel P. Langmaid, Noble M. Perkins, Seth Toby, Charles B. Rice, Eleazer H. Atwood, and Elisha M. Dyer, their associates, successors and assigns, are hereby constituted a body corporate by the name of the "*Richmond Coal Mining Company*," for the purpose of opening and working coal mines in the County of Richmond, in the Island of Cape Breton and Province of Nova Scotia, shipping and selling coals and merchandize, and for manufacturing iron, fire bricks, coal oil and lime, and generally, transacting all business connected with the same, and purchasing, holding, conveying and selling real estate, personal property, lands, mills and machinery, and for other purposes connected therewith ; and the constructing, making and operating such railroads as such corporation may deem necessary for the transportation of coal and merchandize from and to the mines and places of shipment, and all other business and operations usually performed on railroads ; and for collecting and maintaining such wharves, docks, bulkheads, cranes, piers, buildings, workshops, structures, and erections, as may be deemed necessary by the company for the operating and working of mines, railroads, and manufactories, and the protection and safety of shipping, and convenient shipping and transportation of coals and other merchandize, and the transaction of all the other business affairs of the company.

2. The capital stock of the company shall be two hundred thousand dollars, in shares of not less than ten dollars each, which shall be personal property, transmissible and assignable as such, and the corporation shall have power to increase their capital stock to an amount not exceeding in all five hundred thousand dollars, by the issue of new shares from time to time

Incorporation.

Capital stock.  
Shares.

by a vote of the majority of the stockholders, and power to issue mortgage bonds from time to time, bearing interest at a rate not exceeding six per cent., payable semi-annually in Boston, New York, or Halifax, if the same be advisable and so decided by a vote of the majority of the stockholders.

First meeting of  
Company—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in the Province of Nova Scotia or in the United States of America, as any three of the incorporators shall determine, of which public notice shall be given in two of the Halifax newspapers at least twenty days previous to such meeting, at which or at any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than three or more than five, of whom three shall be a quorum, who shall have the management of the affairs and property of the company, and make such bye-laws and regulations as may be necessary for carrying on the business of the company, provided such bye-laws are not inconsistent with the laws of the Province, subject to the approval of the stockholders. Until the first general meeting of the shareholders herein provided, the persons named in the first section thereof, or their instituted appointees, may organize said company, open books for subscriptions for shares, and act as Directors until a Board be elected by the shareholders as herein provided.

Company—how  
organized.

Liability of  
shareholders.

4. No member of the company shall be liable in his person or separate estate for any debt or debts of the company to a greater amount than 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 by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer. The corporation may from time to time, by a vote of two-thirds of the stockholders in interest, assess the stockholders or members thereof for the proportion of any debt due any of its members or stockholders, for moneys expended or labor performed for said corporation by the authority thereof, (which assessment may be collected by an action in the name of said corporation against the member or stockholder so assessed,) and in case any stockholder shall refuse for three weeks after notice in writing, to pay the full amount of the stock subscribed for by him or the amount of the assessment above referred to, the shares standing in his name may be sold by said corporation at public auction, and the proceeds of such sale may be appropriated to the use of said corporation.

Stock may be  
issued for pur-  
chase of lands,  
&c.

5. The Directors of the Company may from time to time issue shares of stock as they may deem necessary for the purchase of mines, lands, and other property, for the purposes

aforesaid, or for the improvement of their property at such times and in such amounts as may be deemed necessary or advisable by the Board of Directors; and stock issued for the purchase of mines, lands, and other property, or for the improvement of their property, shall, when so issued in payment of mines, lands, and other property so purchased by said company, or applied in payment for improvements made in their property, be taken to be, and is hereby declared to be, full stock, the same as if paid for by the holder in cash; and such stock so issued and used for the purpose aforesaid, shall not be subject to any further calls, nor shall the holder or holders be liable for any payment or account thereof except as provided in section four.

6. The meeting for business purposes of the company shall be held at such time and place in the Province of Nova Scotia or in the United States as shall be determined by a bye-law thereof; and at any annual meeting they shall elect a recognized manager or agent, resident in the Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the County where the principal works of the company are situated; in default of such appointment, or in case of the absence of such agent from the Province, or doubt of absence, service of process may be made by leaving a copy in the principal office of said company within the county wherein the property is located, with some person in said office, of suitable age and discretion, having charge thereof; or if said principal office is permanently or continuously closed, so as not to admit of such service in the manner last aforesaid, then such service may be made by affixing a copy on some conspicuous part of the principal building or office of the company within the county where the property is located.

Meetings of  
Comp'y.—when  
and where held.

Agent—service  
of process.

7. The corporation may open books for the subscription of stock, and also books of transfer, in one or more places out of the Province, and appoint officers for the same, paying interest or dividends for the whole or any part of the stock with agencies and branch offices, for the purposes of their incorporation. The transfer of shares in the company shall be valid and effectual from the time such transfer is made for all purposes of the company.

Subscription  
books, &c.

8. Whenever it shall be requisite in the construction or maintenance of the works of the company that the company should be vested with lands contiguous thereto, and no agreement can be made for the purchase of such land required, it shall be lawful for the Board of Directors of the Company to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the circumstances and the nature and situation of the lands required, the names of the owners or occupiers thereof, as far

Proceedings to  
obtain lands.

as the Board of Directors can ascertain the same, and the owners or occupants whose names they cannot ascertain, to be therein alleged as unknown owners or occupants, as the case may be, praying the conveyance of such lands to the company ; whereupon such Judge, being satisfied that such lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of at least one month in at least two newspapers published in Halifax, and also one newspaper, if there be any, published in the county where the lands lie, requiring them to attend at such time and place personally or by attorney ; and the Judge shall require the Directors to nominate one appraiser, and such owners or occupiers to unite in naming another appraiser, and the Judge shall nominate a third appraiser ; but in case such owners or occupiers do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and such Directors shall nominate a third appraiser, and the Judge shall, by an order in writing, direct the said appraisers, thus nominated, to value the land so required ; and the appraisers, having first subscribed an affidavit in writing, to be annexed to such order, and sworn to before a Justice of the Peace, to the effect that they will faithfully make such appraisalment, shall with all convenient speed proceed to appraise such land, and shall make such appraisalment, in writing, under the hands of the appraisers, or a majority of them, and return such order and affidavit to a Judge, who may confirm, modify, alter or reject such appraisalment, or direct a new appraisalment ; and the company upon paying or tendering the appraised value as finally confirmed, and the expenses, to be taxed by a Judge, of the owners on such appraisalment, to the owners, or in case of dispute to such parties as the Court or a Judge may direct, and registering such order, affidavit, appraisalment, and confirmation, in the office of the Registrar of Deeds in the county in which the lands lie, who is hereby required to register the same, shall be considered the owners of the lands.

List of stockholders.

9. A list of the stockholders of the company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in each of last named months in each year, with the Registrar of Deeds of the County where the principal works of the company are situated, such certificate to contain the names of the stockholders, and the number of shares held by them respectively, on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate, or transfer, or copy thereof.

10. The corporation may construct such railroads as may be necessary for their operations over and across any other railroads owned by private companies or otherwise, and over public highways, rivers, brooks, streams, or bays,—subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions of the County for the safety of the inhabitants and their property, and the preservation of public or private rights.

Corporation  
may construct  
railroads, &c.

11. The said company shall not go into operation until twenty-five per cent. of the capital stock is paid up.

Company—  
when to go into  
operation.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act—when to  
cease.

13. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books, &c., open  
to inspection.

## CHAPTER 81.

### An Act to incorporate the St. Lawrence Coal Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Incorporation.</p> <p>2. Capital stock. Shares. Company may issue stock in payment for lands. Bonds.</p> <p>3. First meeting—when and where held. Directors. Bye-laws. Vacancies—how filled.</p> <p>4. Liability of shareholders.</p> <p>5. Agent—service of process.</p> <p>6. Company—when to go into operation.</p> | <p>7. Meetings—when held. Office of Company.</p> <p>8. Proceedings to obtain lands.</p> <p>9. Books open to inspection.</p> <p>10. List of stockholders.</p> <p>11. Company may construct railways, &amp;c.</p> <p>12. Company may render Merrigomish harbor navigable.</p> <p>13. Act—when to cease.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Edward Roach, Hiram Blanchard, and their associates, successors, and assigns, are hereby constituted a body corporate and politic, by the name of the "*St. Lawrence Coal Company*," by which name they may sue and be sued, and may transact all business herein authorized, for the purpose and with the power of opening and working coal and other mines in the county of Pictou and elsewhere in the Province of Nova Scotia, and purchasing, holding, using, and conveying lands, mills, machinery, vessels, vehicles, and other property, and manufacturing coal oil, or other substances from coal; boring, pumping, or otherwise producing petroleum, and trading in such coal, coal oil, petroleum, and other substances; and constructing such roads, railways, and tramways as may be necessary for the transportation of coal, coal oil, and other substances and supplies from and to the mines, and using the same for the purposes aforesaid, and all other purposes for which roads, railways, and

Incorporation.

tramways may be used; and constructing, purchasing, or hiring and holding such wharves, water-lots, docks, and piers as may be necessary or proper for the working of their mines, the storing, banking, and shipping of coals and other substances, or for the protection or safety of shipping, and constructing dwellings and other works and buildings for the miners and workmen of the company, and for other uses of the company, and of doing all other things which the company may deem incidental or conducive to the foregoing purposes or objects, or any of them.

Capital stock. §  
Shares.

2. The capital stock of the company shall be four hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock from time to time, by the issue of new shares to an amount not exceeding in all one million of dollars, pursuant to a vote of the majority in interest of the stockholders. The company may issue stock in payment for lands or other property on such terms as the directors may think best, and such stock shall be deemed to be full paid stock, as if paid in money. The Company may also issue bonds bearing any legal rate of interest payable in New York, London, or Halifax, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and extent and at such price as the directors may think best. It shall not be necessary to affix the seal of the company to any of its acts or contracts, except its conveyances of lands and its stockholders' certificates.

Company may  
issue stock in  
payment for  
lands.

Bonds.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in British North America or in the United Kingdom of Great Britain and Ireland as any three of the corporators shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax, at least twenty days previous to such meeting, at which or at any subsequent meeting the company may be organized by the adoption of bye-laws and the election from the shareholders of a board of directors, not less than three nor more than nine in number. The number of directors may be changed from time to time by an alteration of the bye-laws. There shall be an annual meeting of the stockholders at such time and place as the bye-laws shall prescribe. At such or at any subsequent annual or special meeting the bye-laws may be made and changed, and the board of directors be elected. Special meetings of the stockholders may also be called by the directors. The shareholders may authorize the directors to change the bye-laws from time to time. The directors shall have power to transact the business of the company, subject to the bye-laws. A majority of the board of directors shall constitute a quorum for the transaction of business. The directors for the time being shall hold over until others shall be chosen in their places.

Directors.

Bye-laws.

In case of a vacancy in the Board of Directors, by death, resignation, or otherwise, it may be filled for the residue of the term by the remaining members of the Board. The President and Secretary, and such other officers as may be required, shall be appointed in such manner as the bye-laws may provide.

Vacancies—how filled.

4. No shareholder shall be liable in his person or separate estate for the debts of the company to a greater amount in the whole than the amount of stock held by him, deducting therefrom the amount actually paid to the company on account thereof, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Liability of shareholders.

5. The Directors shall appoint an agent, resident in this Province, service on whom of all process notices and other documents shall be held to be sufficient service on the company. The name and address of such agent shall be filed with the Registrar of Deeds of the county of Pictou, and in case of the death or absence of such agent from the Province, and before the appointment of another, service of process may be made by affixing a copy upon some conspicuous building or office of the company in the county of Pictou, and advertising the same two weeks in a newspaper published in that county.

Agent—service of process.

6. The company may go into operation as soon as it shall have been organized by the adoption of bye-laws and the election of a Board of Directors, and a sum equal to twenty-five per cent. of the capital stock actually paid in.

Company—when to go into operation.

7. The meetings of the stockholders and of the directors may be held at any place in British North America or in the United Kingdom of Great Britain and Ireland as the bye-laws may from time to time prescribe; and the office for the receipt of subscriptions to stock, the transfer of shares, and the transaction of all business of the company, except mining, may also be established at such place within British North America or in the United Kingdom of Great Britain and Ireland as the bye-laws may from time to time prescribe.

Meetings—where held.

Office of company.

8. Whenever it shall be requisite for the construction of any road, railway or tramway, contemplated by this act that the company should be invested with the right or title to the lands over which the same shall pass and contiguous thereto for the track and stations, and no agreement can be made for the purchase thereof, it shall be lawful for the company to apply by petition, with a plan annexed, to one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers of the same, and praying a conveyance thereof to the

Proceedings to obtain lands.

company; whereupon such Judge, being satisfied that the lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct notice thereof in writing to be served upon the owner or occupier of the lands, if in the Province, and to be published for the period of one month in one newspaper published at Halifax, and also in one newspaper of the county, if there be any, in which the lands are situated; and at the time and place so appointed the Judge shall require the directors to appoint one appraiser, and such owners to appoint another appraiser, and the Judge shall appoint a third appraiser; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to and appraise such land, and shall make such appraisement in writing, and return it, under the hands of the appraisers, or a majority of them, to a Judge, who may confirm, alter, modify, or reject such appraisement, or direct an appraisement *de novo*; and the company upon paying to the owner or into the Supreme Court, or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which the said lands lie, who is hereby required to register the same, shall be considered the owners of such lands and entitled to the immediate possession thereof.

Books open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

List of stockholders.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first day of January in each year, certified under the hands of the President and Secretary, shall be filed in that month with the Registrar of Deeds of the County of Pictou; and it shall not be necessary to file any other certificate.

Company may construct railways, &c.

11. It shall be lawful for the company to make or construct any road, railway, or tramway, and over, under, or across any river, brook, or stream,—subject, nevertheless, in such cases, to such regulations as may be made by the Court of Sessions for insuring the safety of the inhabitants and of their property.

Company may render Merigomish harbor navigable.

12. And the said company may proceed alone or with any other company to deepen, widen, and extend the channel, or open a new channel or channels in Merigomish harbor, provided they do not interfere with the rights of any other company; and having first obtained leave from the Governor in Council, may execute works on property vested in the Crown; they may erect piers, wharves, and shipping places for coal upon

any lands owned by the company or acquired by them, or upon any land of the Crown, in respect of which permission shall be granted by the Governor and Council, in or about the shores of the said harbor.

13. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act—when to  
cease.

## CHAPTER 82.

### An Act to incorporate the East River Coal Mining Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares. Company may issue bonds.</li> <li>3. First meeting of company—when and where held. Company—how organized. Bye-laws. Vacancies—how filled.</li> <li>4. Liability of shareholders.</li> <li>5. Agent—service of process.</li> </ol> | <ol style="list-style-type: none"> <li>6. When company shall go into operation.</li> <li>7. Meetings—where held. Office of company.</li> <li>8. Proceedings to obtain lands.</li> <li>9. Books, &amp;c., open to inspection.</li> <li>10. List of stockholders.</li> <li>11. Company may construct railroads.</li> </ol> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Robert Grant Haliburton, Robert Bligh Sinclair, and Horace H. Webber, and their associates, successors, and assigns, are hereby constituted a body corporate and politic, by the name of the *East River Coal Mining Company*, by which name they may sue and be sued, and may transact all business herein authorized for the purpose and with the power of opening and working coal and other mines in the County of Pictou or elsewhere in the Province of Nova Scotia; and purchasing, holding, using and conveying lands, mills, machinery, vessels, vehicles and other property, and manufacturing coal oil or other substances from coal; boring, pumping, or otherwise producing petroleum, and trading in such coal, coal oil, petroleum, and other substances; and constructing such roads, railways, and tramways, as may be necessary for the transportation of coal, coal oil, and other substances and supplies from and to the mines, and using the same for the purposes aforesaid, and all other purposes for which roads, railways, and tramways may be used; and constructing, purchasing, or hiring and holding such wharves, water lots, docks and piers as may be necessary and proper for the working of their mines, the storing, banking, and shipment of coals and other substances, or for the protection or safety of shipping, and constructing dwellings and other works and buildings for the miners and workmen of the company, and for other uses of the company; and of doing all other things which the company may deem incidental or conducive to the foregoing purposes or objects, or any of them.

Incorporation.

1866  
May 7th

Capital stock.  
Shares.

2. The capital stock of the company shall be one hundred thousand dollars, divided into shares of twenty dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock from time to time by the issue of new shares, pursuant to a vote of a majority in interest of the stockholders, to an amount not exceeding in all three hundred thousand dollars. The company may issue stock in payment for lands or other property on such terms as the directors may think best, and such stock shall be deemed to be full paid stock, as if paid in money. The company may also issue bonds bearing any legal rate of interest, payable in New York, Halifax, or London, England, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and extent, and at such prices as the directors may think best. It shall not be necessary to affix the seal of the company to any of its acts or contracts, except its conveyances of lands and its stockholders' certificates.

Company may  
issue bonds.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in British North America, or in the United Kingdom of Great Britain and Ireland, as any three of the corporators shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax at least twenty days previous to such meeting, at which meeting, or at any subsequent meeting, the company may be organized by the adoption of bye-laws, and the election from the shareholders of a Board of Directors, not less than three nor more than nine in number. The number of directors may be changed from time to time by an alteration of the bye-laws. There shall be an annual meeting of the stockholders at such time and place as the bye-laws shall prescribe; at such, or at any subsequent annual or special meeting, the bye-laws may be made or changed and the Board of Directors be elected. Special meetings of the stockholders may also be called by the directors. The shareholders may authorize the directors to change the bye-laws from time to time. The directors shall have power to transact the business of the company, subject to the bye-laws. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The directors for the time being shall hold over until others shall be chosen in their places. In case of a vacancy in the Board of Directors by death, resignation, or otherwise, it may be filled for the residue of the term by the remaining members of the Board. The President and Secretary, and such other officers as may be required, shall be appointed in such manner as the bye-laws may provide.

Company—how  
organized.

Bye-laws, &c.

Vacancies—how  
filled.

Liability of  
shareholders.

4. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than 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 sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

5. The directors shall appoint an agent resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company. The name and address of such agent shall be filed with the Registrar of Deeds for the County of Pictou; and in case of the death or absence of such agent from the Province, and before the appointment of another, service of process may be made by affixing a copy upon some conspicuous building or office of the company in the County of Pictou, and advertising the same for two weeks in a newspaper published in that county.

Agent—service  
of process.

6. The company may go into operation as soon as it shall have been organized by the adoption of bye-laws and the election of a Board of Directors, and a sum equal to twenty-five per cent. of the capital stock actually paid in.

When company  
shall go into  
operation.

7. The meetings of the stockholders and directors may be held at any place in British North America, or in the United Kingdom of Great Britain and Ireland, as the bye-laws may from time to time prescribe; and the office for the receipt of subscriptions to stock, the transfer of shares, and the transaction of all business of the company, except mining, may also be established at such place within British North America or in the United Kingdom of Great Britain and Ireland, as the bye-laws may from time to time prescribe.

Meetings—  
where held.

Office of com-  
pany.

8. Whenever it shall be requisite for the construction of any road, railway, or tramway, contemplated by this act, that the company should be invested with the right or title to the lands over which the same shall pass, or contiguous thereto, for the track and stations, and no agreement can be made for the purchase thereof, it shall be lawful for the company to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the name of the owner or occupier thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of the petition, and shall direct notice thereof in writing to be served upon the owner or occupier of the lands if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also, if there be any, in one newspaper of the County where the lands lie; and at the time and place so appointed the

Proceedings to  
obtain lands.

Judge shall require the directors to appoint one appraiser, and such owners to appoint another appraiser, and the Judge shall appoint a third appraiser; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed, proceed to and appraise such land irrespectively of any enhancement thereof from the supposed existence of coal or other ores, minerals, or metallic substances therein, or in the neighborhood thereof; and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, to a Judge, who may confirm, alter, modify, or reject such appraisement, or direct an appraisement *de novo*; and the company, upon paying to the owner or into the Supreme Court, or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement to the owners, or in case of dispute, to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation in the office of the Registrar of Deeds in the County in which the said lands lie, who is hereby required to register the same, shall be considered the owners of such lands and entitled to the immediate possession thereof.

Books, &c., open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

List of stockholders.

10. A list of the stockholders of the company, and of the number of shares held by each of them, respectively, on the first day of January in each year, certified under the hand of the President and Secretary, shall be filed in that month with the Registrar of Deeds of the county of Pictou; and it shall not be necessary to file any other certificate.

Company may construct railroads.

11. It shall be lawful for the company to make or construct any road, railway, or tramway over, under, or across any road, railway, or tramway, and over, under, or across any river, brook, or stream; subject, nevertheless, in such cases to such regulations as may be made by the Court of Sessions for insuring the safety of the inhabitants and their property.

## CHAPTER 83.

## An Act to incorporate the Montreal and Pictou Coal Company.

(Passed the 7th day of May, A. D. 1866.)

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares. May increase capital. Company may issue bonds.</li> <li>3. First meeting—when and where held. Company—how organized. Bye-laws. Special Meetings. Vacancies—how filled.</li> <li>4. Liability of stockholders.</li> </ol> | <ol style="list-style-type: none"> <li>5. Agent—service of process.</li> <li>6. When company shall go into operation.</li> <li>7. Meetings—where held. Office—where established.</li> <li>8. Proceedings to obtain lands.</li> <li>9. Books, &amp;c., open to inspection.</li> <li>10. List of stockholders.</li> <li>11. Company may construct railways, &amp;c.</li> </ol> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Robert Grant Haliburton, Horace H. Webber, and Price Lewes, their associates, successors, and assigns, are hereby created a body politic and corporate, by the name of the *Montreal and Pictou Coal Company*, by which name they may sue and be sued, and may transact all business authorized herein, for the purpose and with the power of opening and working coal and other mines in the county of Pictou or elsewhere in the Province of Nova Scotia, and purchasing, holding, using, and conveying lands, mills, machinery, vessels, vehicles, and other property, and manufacturing coal oil, or other substances from coal; boring, pumping, or otherwise producing petroleum, and trading in such coal, coal oil, petroleum, and other substances; and constructing such roads, railways, and tramways as may be necessary for the transportation of coal, coal oil, and other substances and supplies from and to the mines, and using the same for the purposes aforesaid, and all other purposes for which roads, railways, and tramways may be used; and constructing, purchasing, or hiring and holding such wharves, water-lots, docks, and piers as may be necessary or proper for the working of their mines, the storing, banking, and shipment of coals and other substances, or for the protecting or safety of shipping, and constructing dwellings and other works and buildings for the miners and workmen of the company, and for other uses of the company, and of doing all things which the company may deem incidental or conducive to the foregoing purposes or objects, or any of them.

2. The capital stock of the company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock from time to time, by the issue of new shares, pursuant to a vote of a majority in interest, to an extent not exceeding in all three hundred thousand dollars.

Incorporation.

Capital stock.  
Shares.May increase  
capital.

Company may  
issue bonds.

The company may issue stock in payment for lands or other property on such terms as the directors may think best, and such stock shall be deemed to be full paid stock, as if paid in money. The company may also issue bonds bearing any legal rate of interest payable in New York, Halifax, or London, England, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and extent and at such prices as the directors may think best. It shall not be necessary to affix the seal of the company to any of its acts or contracts, except its conveyances of lands and its stockholders' certificates.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in British North America or in the United Kingdom of Great Britain and Ireland as any three of the corporators shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax, at least twenty days previous to such meeting, at which or at any subsequent meeting the company may be organized by the adoption of bye-laws and the election from the shareholders of a board of directors, not less than three nor more than nine in number. The number of directors may be changed from time to time by an alteration of the bye-laws. There shall be an annual meeting of the stockholders at such time and place as the bye-laws shall prescribe. At such or at any subsequent annual or special meeting the bye-laws may be made or changed, and the board of directors be elected. Special meetings of the stockholders may also be called by the directors. The shareholders may authorize the directors to change the bye-laws from time to time. The directors shall have power to transact the business of the company, subject to the bye-laws. A majority of the board of directors shall constitute a quorum for the transaction of business. The directors for the time being shall hold over until others shall be chosen in their places.

Company—how  
organized.

Bye-laws.

Special meet-  
ings.

Vacancies—how  
filled.

In case of a vacancy in the Boards of Directors, by death, resignation, or otherwise, it may be filled for the residue of the term by the remaining members of the board. The President and Secretary, and such other officers as may be required, shall be appointed in such manner as the bye-laws may provide.

Liability of  
stockholders.

4. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than 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 sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

5. The directors shall appoint an agent resident in this Province, service on whom of all process notices and other documents shall be held to be sufficient service on the company. The name and address of such agent shall be filed with the Registrar of Deeds for the county of Pictou; and in case of the death or absence of such agent from the Province, and before the appointment of another, service of process may be made by affixing a copy upon some conspicuous building or office of the company in the county of Pictou, and advertising the same for two weeks in a newspaper published in that county.

Agent—service  
of process.

6. The company may go into operation as soon as it shall have been organized by the adoption of bye-laws and the election of a Board of Directors, and a sum equal to twenty-five per cent. of the capital stock actually paid in.

When company  
shall go into  
operation.

7. The meetings of the stockholders and directors may be held at any place in British North America or in the United Kingdom of Great Britain and Ireland as the bye-laws may from time to time prescribe; and the office for the receipt of subscriptions to stock, the transfer of shares, and the transaction of all business of the company, except mining, may also be established at such place within British North America or in the United Kingdom of Great Britain and Ireland as the bye-laws may from time to time prescribe.

Meetings—  
where held.

Office—where  
established.

8. Whenever it shall be requisite for the construction of any road, railway, or tramway contemplated by this act, that the Company should be invested with the right or title to the lands over which the same shall pass, or contiguous thereto, for the track and stations, and no agreement can be made for the purchase thereof, it shall be lawful for the company to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the name of the owner or occupier thereof, and praying a conveyance of the same to the company; whereupon, such Judge, being satisfied that the lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of the petition, and shall direct notice thereof in writing to be served upon the owner or occupier of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also, if there be any, in one newspaper of the county where the lands lie; and at the time and place so appointed the Judge shall require the directors to appoint one appraiser, and such owners to appoint another appraiser, and the Judge shall appoint a third appraiser; and the appraisers having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisal, shall, with all convenient speed, proceed to and appraise such lands, and shall make such appraisal in writing, and

Proceedings to  
obtain lands.

return it under the hands of the appraisers, or a majority of them, to a Judge, who may confirm, modify, alter, or reject the same, or direct an appraisal *de novo*; and the company, upon paying to the owner or into the Supreme Court, the amount of the appraised value, as finally confirmed, and the expenses of the appraisal, and registering the order, affidavit, appraisal, and confirmation, in the office of the Registrar of Deeds in the county in which said lands lie, shall be vested with the title to such lands, and entitled to the immediate possession thereof.

Books, &c., open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

List of stockholders.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first day of January in each year, certified under the hand of the President and Secretary, shall be filed in that month with the Registrar of Deeds of the county of Pictou; and it shall not be necessary to file any other certificate.

Company may construct railways, &c.

11. It shall be lawful for the company to make or construct any road, railway, or tramway, over, under, or across any river, brook, or stream,—subject, nevertheless, in such cases, to such regulations as may be made by the Court of Sessions to ensure the safety of the inhabitants and their property.

## CHAPTER 84.

### An Act to incorporate the New York and Cape Breton Coal Company.

(Passed the 14th day of March, A. D. 1866.)

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|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Incorporation.                                                     | 11. Company—when to go into operation. †                            |
| 2. Capital stock. Shares.                                             | 12. May issue bonds.                                                |
| 3. Company may increase capital.                                      | 13. Proceedings to obtain lands.                                    |
| 4. Not to go into operation until twenty-five per cent. capital paid. | 14. Bye-laws.                                                       |
| 5. First meeting—when and where held.                                 | 15. List of stockholders.                                           |
| 6. Company—how organized. †                                           | 16. Company may hold stock of other corporations. Power of company. |
| 7. Joint stock of company alone liable for debts.                     | 17. Company may make railways.                                      |
| 8. Meetings—when and where held.                                      | 18. Liability of shareholders.                                      |
| 9. Subscription books.                                                | 19. Books, &c., open to inspection.                                 |
| 10. Officers to perform duty until successors appointed.              | 20. Act—when to cease.                                              |

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

Incorporation.

1. Marshall Bourinot, N. P. Haven, George P. Haven, James Curphey, and William Nott, their associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the *New York and Cape Breton Coal Company*, for the purpose of purchasing, holding, leasing, and selling mines and mining rights, and of opening and working

the same, in the county of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals; for holding and conveying real estate, mills, and machinery; for manufacturing and selling coal oil, and boring and obtaining the same from the earth, and for other purposes connected therewith; for the constructing and operating railroads and branch roads for the transportation of coal, coal oil, and other freights from the mines of this company, or from any other coal mines in the county of Cape Breton, to one or more places of trans-shipment, and for the transporting of passengers and freight over such railroad or railroads, and all other business necessary and usually performed on railroads; for constructing and holding such wharves, docks, and piers as may be necessary for the business of the company.

2. The capital of the company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which shall be personal property, and transferrable only on the books of the company.

Capital stock.

Shares.

3. The corporation shall have power to increase their capital stock, to an amount not exceeding in all one million of dollars, by the issue of new shares by a vote of the majority of the stockholders in interest. Any coal company or other corporation, either foreign or incorporated in this Province, may own and transfer any of the stock in said company. And it shall be lawful for the said corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges, or property, or any interest therein, respectively, in payment for stock subscribed for, or in payment of any instalment or instalments due in any stock subscribed, at such valuation as the company may decide.

Company may increase capital.

4. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

Not to go into operation until twenty-five per cent. capital paid.

5. The first meeting of the company shall be held at such time and place in this Province or in the United States of America, as any three of the corporators named in this act shall determine, of which notice shall be given to the other corporators at least twenty days previous to such meeting; and at this or any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than three nor more than nine.

First meeting—when and where held.

6. Until the first general meeting of shareholders herein provided, the persons named in the first section hereof, or their constituted appointees, may organize said company, open books for subscription for shares, and act as directors until a board be elected by the shareholders, as herein provided.

Company—how organized.

7. The joint stock and property alone of the corporation shall be liable for the debts and engagements of the same; and no title of the company, their assignees, or lessees, nor any incumbrance shall be valid unless the same shall be duly recorded in the office of the Registrar of Deeds for the county or district where such lands lie.

Joint stock of company alone liable for debts.

Meetings—when  
and where held.

8. The meetings of the company shall be held at such place as the directors may appoint; and at every annual meeting they shall elect a recognized manager or agent resident in this Province, service on whom of all process notices and other documents, shall be held to be sufficient service on the company, and the name and address of such agents shall be filed with the Registrar of Deeds of the county where the principal works of the company are situate, and in default of such appointment, or in case of the absence or death of such agent, such service may be made by affixing a copy upon some conspicuous building or office of the company within the county where the property is located.

Subscription  
books.

9. The corporation may open books for the subscription of stock in one or more places out of the Province, as also books for transfer, and may appoint officers for the same and paying of interest, and dividends for the whole, or any part of the stock, with agencies and branch offices, for the purposes of their incorporation.

Officers to per-  
form duty until  
successors ap-  
pointed.

10. The organization of said company shall not lapse by reason of any failure to choose officers on the day appointed, but the officers may hold over until others be elected in their places.

Company—  
when to go into  
operation.

11. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to exercise the powers herein and hereby conferred upon them.

May issue bonds.

12. The company shall be authorized and empowered to issue its bonds, secured by a mortgage, on all or any of its property, real or personal, or to lend its credit in any manner it may see fit, or to loan money to aid in operating its mines, and building wharves, and building and equipping railroads to the place of shipment.

Proceedings to  
obtain lands.

13. Whenever it shall be requisite in the construction of any railroad, or of any wharves, piers, or docks contemplated by this act, that the company should be invested with the lands over which the same shall pass or necessary for the use or enjoyment thereof, and no agreement can be made for the purchase thereof, the directors may apply by petition, with a plan annexed, to any one of the judges of the Supreme Court in this Province, setting forth the nature and situation of the land required, the names of the owners and occupiers thereof, and praying a conveyance of the same to the company; thereupon such judge, being satisfied that the lands are required, and are not more extensive than are reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the land, if in the province, and to be published for the period of one month in at least two newspapers published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or

by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse, or neglect, or cannot agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate two appraisers, and said directors shall nominate one appraiser, and the judge shall, by an order in writing, direct the said three appraisers thus nominated to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order to the effect that they will faithfully make such appraisal, shall, with all convenient speed, proceed to make such appraisal of the lands in question, and shall make such appraisal in writing, and return it, under the hands of the appraisers, or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter, or reject such appraisal, or direct an appraisal *de novo*. And the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisal, to the owners, or in case of dispute to such parties as the court or judge may direct, and registering such order, affidavit, appraisal, and confirmation in the office of the Registrar of Deeds in the county in which said lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

14. The company shall have authority to make all such regulations and bye-laws as they may deem proper for the management of their business and disposition of their property not inconsistent with this act and the laws of this Province. Bye-laws.

15. A list of stockholders of the corporation, and of the number of shares held by each of them, on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month on which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof. List of stockholders.

16. The company may subscribe for, take, hold, and dispose of stock in any other incorporation, organized or to be organized, having power to construct a railroad from the mines of this company, or from the vicinity of the same, to any place or places of trans-shipment, and in any other incorporation, organized or to be organized, having power to open False Bay Lake by cutting the beach which separates it from Mira Bay; and to render the passage thus open navigable, the company Company may hold stock of other corporations.

Power of company.

shall be authorized, through its officers, or other agents, as the Board of Directors may appoint, to vote as a stockholder, and to exercise all other powers of a stockholder in relation to the stock so held by them in such incorporation or incorporations.

Company may make railways.

17. The company may make and construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any river, brook, or stream; subject nevertheless, in such cases, to such regulations, if any, as may be made by the Court of Sessions to ensure the safety of the inhabitants and their property.

Liability of shareholders.

18. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than 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 sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts of the company entered into before the date of such transfer unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Books, &c., open to inspection.

19. The books and accounts of the company shall, at all times, be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act—when to cease.

20. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from its passing.

## CHAPTER 85.

### An Act to incorporate the Collins Coal Company.

(Passed the 14th day of March, A. D. 1866.)

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital. Shares.</li> <li>3. Power to increase capital. Instalments, how paid.</li> <li>4. When to go into operation.</li> <li>5. First meeting, when held. Directors.</li> <li>6. Company, how organized.</li> <li>7. Liability of Stockholders.</li> <li>8. Meetings, where held. Manager. Agent. Service of process.</li> </ol> | <ol style="list-style-type: none"> <li>9. Books, &amp;c.</li> <li>10. Company not to lapse from failure to choose officers.</li> <li>11. Powers—when to begin.</li> <li>12. Proceedings to obtain lands.</li> <li>13. Lists of Stockholders.</li> <li>14. Company may construct railway.</li> <li>15. Books open to inspection.</li> <li>16. Act, when to cease.</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

Incorporation.

1. George L. Dix, William H. Chessman, and Calvin R. Mower, their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of the *Collins Coal Company*, for the purpose of purchasing, holding, leasing, and selling mines and mining rights, and of opening

and working the same, in the county of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals, for holding and conveying real estate, mills, and machinery, for manufacturing and selling coal oil and boring and obtaining the same from the earth, and for other the purposes connected therewith, for the constructing and operating railroads and branch tracks for the transportation of coal, coal oil, and other freights from the mines of the company, and all other business necessary and usually performed on railroads; for constructing such wharves, docks, and piers as may be necessary for the business of the company.

2. The capital of the company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, which shall be personal property, and transferable by assignment recorded in the books of the company.

Capital  
Shares.

3. The corporation shall have power to increase their capital stock by the issue of new shares to an amount not exceeding in all five hundred thousand dollars, by a vote of the majority of the stockholders in interest. Any coal company, or other corporation, either foreign or incorporated in this Province, may own and transfer any of the stock in said company; and it shall be lawful for the said corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges, or property, in payment of any instalment or instalments due on any stock subscribed at such valuations as the company may decide.

Power to in-  
crease capital.

Instalments,  
how paid.

4. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go  
into operation.

5. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as any two of the corporators named in this Act shall determine, of which notice shall be given to the other corporators at least twenty days previous to such meeting; and at this or any subsequent meeting the company may be organized by the election of a Board of Directors, of not less than three nor more than nine.

First meeting,  
when held.

Directors.

6. Until the first general meeting of shareholders herein provided, the persons named in the first section hereof, or their instituted appointees, may organize said company, open books for subscription for shares, and act as directors, until a board be elected by the shareholders as herein provided.

Company, how  
organized.

7. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stocks, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company. But no stockholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts of the company entered into before the date of such

Liability of  
Stockholders.

transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer. Nor shall any encumbrance be valid unless the same shall be duly recorded in the office of the Registrar of Deeds for the county or district where such lands lie.

Meetings—  
where held.

Manager.  
Agent.  
Service of  
process.

8. The meetings of the company shall be held at such place as the directors may appoint; and at every annual meeting they shall elect a recognized manager or agent, resident in this province, service on whom of all process notices, and other documents, shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are situate; and in default of such appointment, or in case of the absence or death of such agent, such service may be made by affixing a copy upon some conspicuous building or office of the company within the county where the property is located.

Books, &c.

9. The corporation may open books for the subscription of stock, in one or more places out of the province, as also books for transfer, and may appoint officers for the same, and paying of interest and dividends for the whole or any part of the stock, with agencies and branch offices for the purposes of their incorporation.

Company not  
to lapse from  
failure to choose  
officers.

10. The organization of said company shall not lapse by reason of any failure to choose officers on the day appointed, but the officers may hold over until others be elected in their places.

Powers, when  
to begin.

11. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to exercise the powers herein and hereby conferred upon them.

Proceedings to  
obtain lands.

12. Whenever it shall be requisite, in the construction of any railroad, or of any wharves, piers, or docks contemplated by this Act, that the company should be invested with the lands over which the same shall pass, or necessary for the use or enjoyment thereof, and no agreement can be made for the purchase thereof, the directors may apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court in this Province, setting forth the nature and situation of the land required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; thereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the land if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands

lie, if there be any newspaper published in such county, requiring them to attend at such time and place personally or by attorney; and the Judge shall require the Directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser. But in case such owners do not attend, or shall refuse or neglect or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers; and said Directors shall nominate one appraiser; and the Judge shall, by an order in writing, direct the said three appraisers thus nominated to value the lands so required. And the appraisers having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to make such appraisement of the lands in question, and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter or reject such appraisement, or direct an appraisement *de novo*. And the company, upon paying or tendering the amount of the appraised value, as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the Court or Judge may direct, and registering such order, affidavit, appraisement and confirmation in the office of the Registrar of Deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

13. A list of stockholders of the corporation, and of the number of shares held by each of them on the first days of November and May in each year, certified under the hands of the President and Secretary, shall be filed in the months of November and May in each year, with the Registrar of Deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month on which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

List of Stockholders.

14. The company may make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any river, brook or stream, subject, nevertheless, in such cases to such regulations, if any, as may be made by the Court of Sessions to insure the safety of the inhabitants and their property.

Company may construct railway.

15. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books open to inspection.

Act, when to  
cease.

16. This Act shall cease and determine if effective works shall not be commenced and continued under it within two years from its passing.

## CHAPTER 86.

An to incorporate the Directors of a Park at Point Pleasant, Halifax, Nova Scotia.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.
2. Directors to obtain license.
3. Company—how organized.

4. Rules.
5. City Council may assess \$1000.
6. Military may take exclusive possession.

Preamble.

Whereas, the southern part of the peninsula of Halifax, bounded on the north by lines commencing from the harbor near the stream or water-course about three hundred yards north of Steel's pond, and thence terminating near the old chain battery at the North West Arm, including the lands south of the same to the sea, and known as the war department property, is capable of being laid off and converted into a park, recommended equally by salubrity and beauty of its position, by its proximity to the city, and by the opportunities it would afford to all classes of the community for healthful recreation and exercise;

And, whereas, there is reason to hope that Her Majesty the Queen, in whom the title is vested, would graciously permit the ground to be occupied and used as a park, subject to the conditions hereinafter contained, and that the necessary funds for its embellishment could be raised by public subscription,—

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

Incorporation.

1. The Honorable William Young, James A. Moren, William Cunard, Andrew M. Uniacke, William J. Stairs, John Tobin, and John Doull, Esquires, and their successors, with the Mayor and Recorder of the City, are hereby constituted a body politic and corporate by the name of the *Directors of the Point Pleasant Park*, with power, in case of the death, incapacity, removal from the Province, or resignation of any one or more of the seven directors first named, to fill up such vacancies from time to time by new appointments, to be entered on their minutes.

Directors to obtain license.

2. The directors shall apply for license to enter upon and occupy the said land as a park, with such reservations for military purposes and defence as the exigencies of the imperial service may require.

Company—how organized.

3. The directors, so soon as they shall obtain license from Her Majesty's Principal Secretary of State for the War Department to enter upon and occupy the said land, shall receive such subscriptions and contributions as may be offered for lay-

ing out and embellishing the park, shall appoint a secretary and treasurer, whose office shall be gratuitous, and shall employ suitable persons to superintend and perform the work thereon, agreeably to plans which may from time to time be submitted; but all such plans, or modifications thereof, shall be subject to the approval of the officer in command of the troops, and the officer commanding the Royal Engineers, at Halifax.

4. The directors shall make regulations relative to the maintenance of good order and decorum in the park, the preservation thereof, and the duties of the gate-keeper and other officers, with such penalties as shall be approved of by the Governor in Council; but no fees or tolls shall be exacted for the use of the park. Rules.

5. The City Council may assess the sum of one thousand dollars annually, in addition to the present charges authorized by law, and pay the same to the directors, to be applied in payment of the gate-keepers and other expenses connected with the maintenance of the park, and which shall be duly accounted for by the directors. City Council  
may assess  
\$1,000.

6. Nothing in this act shall be construed to prevent Her Majesty's Principal Secretary of State for the War Department at any time hereafter from taking exclusive possession of any portion of the said land which may be required for the formation of forts or batteries, or for other military purposes connected with the imperial service. Military may  
take exclusive  
possession.

## CHAPTER 87.

### An Act to incorporate the Nova Scotia Slate Company.

(Passed the 18th day of April, A. D. 1866.)

- |                                                                                                                    |                                                                           |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <p>1. Incorporation.</p> <p>2. Company may increase capital to \$200,000.</p> <p>3. Liability of Shareholders.</p> | <p>4. Meetings of company—where held.</p> <p>5. List of Stockholders.</p> |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|

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

1. The Nova Scotia Slate Company, a joint stock company, formed under "The Joint Stock Companies Act of 1862," located at Digby, in the county of Digby, whereof Woodbury Davis is President, their successors and assigns, are hereby constituted a body politic, by the name of the *Nova Scotia Slate Company*, under their present organization, for the purpose of opening and working slate quarries in Digby, and transacting business connected therewith, and holding and conveying real estate, lands, mills, and machinery; for manufacturing roofing and other slates and tiles, or other purposes connected therewith; and the constructing and making such railroads and branch tracks as may be necessary for the trans- Incorporation.

portation of slate from their quarry to the place of shipment, and all other business necessary and usually performed on railroads; and for constructing and holding such wharves, docks, and piers as may be necessary for the working of quarries and protection and safety of shipping, the shipment of slates, and the transaction of business connected with slate quarries.

Company may increase capital to \$200,000.

2. The company, whenever the directors shall deem fit, may increase their present capital stock to a sum not exceeding two hundred thousand dollars, which shall be personal property.

Liability of shareholders.

3. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than 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 sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contract entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Meetings of company—where held.

4. The annual and other meetings of the company may be held at such place in this Province or in the United States of America as the directors may appoint; but notice of the annual meetings shall be given in this Province by advertising the same in some public newspaper therein twenty days previous to such meetings. Meetings of the directors may be held either in this Province or in the United States of America.

List of stockholders.

5. A list of the stockholders of the company and the number of shares held by each of them on the first days of May and November in each year, certified under the hand of the President and Secretary, shall be filed during these months with the Registrar of Deeds in the county of Digby; and it shall not be necessary to file any other certificate of transfer or copy thereof.

CHAPTER 88.

An Act to incorporate the Strait of Canso Marine Railway Company.

(Passed the 18th day of April, A. D. 1866.)

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|---------------------------------------------------------|----------------------------------|
| 1. Strait of Canso Marine Railway Company incorporated. | 3. Company may hold real estate. |
| 2. Capital stock. Shares.                               | 4. Liability of Shareholders.    |

Preamble.

Whereas, the company now carrying on business under the name of the Strait of Canso Marine Railway Company has expended large sums of money in the construction of a marine railway at the Strait of Canso, for facilitating the repairs of vessels, and contemplates extending its operations by the addi-

tion of one or more of such marine railways, and is desirous of being incorporated under an act of the legislature,—

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

1. The *Strait of Canso Marine Railway Company* is hereby constituted a body politic, and under that name may sue and be sued, and enjoy all the privileges of a corporation ; and so soon as the company now organized and doing business under that name shall at a general meeting of the shareholders thereof, by resolution, adopt the incorporation under this act, all the property, assets, and credits of the said company shall vest in the company hereby incorporated, which shall be accountable for all the debts, engagements, and liabilities thereof.

Strait of Canso  
Marine Railway  
Co. incorp.

2. The capital stock of the company shall be forty-five thousand dollars, to be divided into shares of five dollars each ; but whenever it may be deemed necessary, the company may, at any general meeting, by a bye-law to be sanctioned by the Governor in Council, from time to time increase the capital to a sum not exceeding one hundred thousand dollars.

Capital stock.  
Shares.

3. The company may hold real estate not exceeding in value forty thousand dollars.

Company may  
hold real estate.

4. No shareholder shall be liable for the debts of the company for a greater amount in the whole than 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  
shareholders.

## CHAPTER 89.

An Act to incorporate the Trustees of the Infirm Ministers' Fund of the Western Baptist Association of Nova Scotia.

(Passed the 18th day of April. A. D. 1866.)

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|------------------------------------------------------|------------------------------------------|
| 1. Incorporation of Board of Infirm Ministers' fund. | 2. Corporation may hold real estate.     |
|                                                      | 3. Present assets vested in corporation. |

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

1. The Reverend Charles Randall, the Reverend John C. Moore, Charlton Sabeau, William John, William Aymar, William H. Gridley, Samuel Wheelock, and William S. Raymond, and such other persons as may from time to time be appointed by the Western Baptist Association of Nova Scotia to form the Board of the Infirm Ministers' Fund of that body, are hereby created a body corporate by the name of the *Trustees of the Western Baptist Association of Nova Scotia*.

Incorporation  
of Board of  
Infirm Minis-  
ters' fund.

2. The corporation may purchase, take, and hold real estate, and may accept legacies or donations of real and per-

Corporation  
may hold real  
estate.

sonal property, and may dispose of, lease, sell, convey, or mortgage the same, and may invest any moneys which may come into their hands in such way as they may deem advantageous to carry out the objects of the corporation.

Present assets  
vested in corpo-  
ration.

3. All the real estate and personal property which the Board of the Infirm Ministers' Fund is now or may at any future time be interested, is and shall be vested in the corporation hereby established, without prejudice however to private rights.

## CHAPTER 90.

### An Act to incorporate the Nova Scotia Chamber of Commerce.

(Passed the 18th day of April, A. D. 1866.)

1. Incorporation.
2. Who may be members.
3. Rules and regulations.
4. Decision of arbitrators.

5. Arbitrators may examine witnesses on oath.
6. Corporation may hold real estate.

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

Incorporation.

1. The honorable Mather B. Almon, the honorable Edward Kenny, William J. Stairs, William Pryor, George P. Mitchell, Benjamin Wier, Alfred G. Jones, Robert W. Fraser, Robert Boak, junr., Rueben I. Hart, George H. Starr, Benjamin W. Salter, John Tobin, and Jeremiah Northup, Esquires, and such other persons as shall become members of the association in accordance with the rules and bye-laws thereof, are hereby created a body corporate by the name of the *Nova Scotia Chamber of Commerce*.

Who may be  
members.

2. All persons whose avocations are connected with the trade, commerce, mining, manufacturing, ship-building, and fishing interests of this Province, and members and ex-members of the legislature of this Province, shall be eligible as members of the corporation, being duly admitted in accordance with the rules and bye-laws thereof.

Rules and regu-  
lations.

3. The present rules and regulations of the association are hereby declared legal and binding upon the members of the corporation, and the corporation may alter and amend the same, and make such additional rules and regulations as they may deem necessary for promoting the objects they have in view, subject to the approval of the Governor in Council.

Decision of  
arbitrators.

4. In any commercial case or difference which shall be voluntarily referred by any member of the corporation to the Board of Arbitration established under the rules hereinbefore referred to, whether the parties agree to bind themselves by bond or otherwise to submit such matters in difference between them to the Board of Arbitration, such submission, and the award or decision made by virtue thereof, shall be binding

and conclusive as between the said parties in difference, subject to appeal; and no further or other proceedings shall be had or taken beyond an appeal from such decision to the Board of Appeal appointed under the rules hereinbefore referred to, whose decision shall be final.

5. The members appointed to hear any case submitted to arbitration shall have full power to examine upon oath, which any one of them is hereby empowered to administer to any person who may be willing to be examined before them, and they shall give their award in writing, and the decision of a majority shall be binding upon the parties according to the terms of the submission.

Arbitrators may examine witnesses on oath.

6. The corporation may hold real estate not exceeding in value fifty thousand dollars.

Corporation may hold real estate.

CHAPTER 91.

An Act to amend the act to incorporate the Trustees of the Evangelical Lutheran Church in Lunenburg.

(Passed the 7th day of May, A. D. 1866.)

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|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <p>1. President, trustees, and elders authorized to mortgage church lands.</p> <p>2. Mortgage not to exceed £175.</p> | <p>3. Zion Church open to German and English. Pastors—how supported.</p> |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|

Whereas, the elders and trustees of the said Evangelical Lutheran Church in Lunenburg, appointed and holding under the act hereby amended, have become liable, and are now liable, on account of the said church and congregation, for a large sum of money, which cannot be now collected from the said congregation,—

Preamble.

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

1. In addition to the authority given by the third clause of the act hereby amended, the President, trustees, and elders of the Evangelical Lutheran Church in Lunenburg, viz.: Henry Shupe, Peter Young, John Shenkle, David Weinacht, Thomas Smith, John Zink, George Deal, William Colp, Casper Silver, John Young, and Leonard Beck, or a majority of them, are hereby authorized and empowered to mortgage the lands and premises belonging to the said church and congregation, excepting the church and lot on which it is erected, to indemnify the said elders and trustees against loss on account of the liabilities they have assumed on account of the said congregation.

President, trustees, and elders authorized to mortgage church lands.

2. The trustees and elders shall not mortgage the said land and premises belonging to the said Lutheran Church and congregation for a greater sum than one hundred and seventy-five pounds, nor for a less period for payment than five years, so that the congregation may be enabled to raise the amount before payment shall become due.

Mortgage not to exceed £175.

Zion Church open to German and English.

Pastors—how supported.

3. Zion Church, in the town of Lunenburg, shall be open and free to the Lutheran congregation, German as well as English; and the Reverend Charles E. Cossman and his successors in office, being German, shall be reinstated in his and their rights and privileges as heretofore, and the German congregation shall support their clergyman, and the English congregation the pastor chosen by them.

## CHAPTER 92.

An Act to amend the Act to incorporate the Roman Catholic Bishop in Arichat.

(Passed the 18th day of April, A. D. 1866.)

1. Roman Catholic Corporation may hold real estate. Annual value.
2. Property held by Roman Catholic Church vested in Corporation.
3. Inconsistent clauses of amended act repealed.

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

R. C. corporation may hold real estate.

Annual value.

Property now held by R. C. Church vested in corporation.

Inconsistent clauses of amended act repealed.

1. The Roman Catholic Episcopal Corporation of Arichat may hold real estate for eleemosynary, ecclesiastical, and educational purposes and uses of the Roman Catholic Church within the diocese of Arichat, or of any portion thereof, to the annual value of three thousand dollars in each of the counties of Pictou, Guysborough, Inverness, Victoria, and Cape Breton, and to the annual value of six thousand dollars in each of the counties of Antigonish and Richmond.

2. All real estate in the said counties, which is now considered and used as the property of the Roman Catholic Church, shall henceforth be, and the same is hereby, vested in the said Roman Catholic Episcopal Corporation of Arichat, to have and to hold the same to the said corporation for the eleemosynary, ecclesiastical, and educational uses of the Roman Catholic Church within the said diocese, subject to the provisions of the act hereby amended.

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

## CHAPTER 93.

An Act to enable the College of Saint Francis Xavier, at Antigonish, to confer Degrees.

(Passed the 7th day of May, A. D. 1866.)

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

St. Francis Xavier's College made an University.

1. Saint Francis Xavier's College, at Antigonish, shall be held and taken to be an University, with all and every the usual privileges of such an institution, and that the students

in the said College shall have the liberty and privilege of taking the degrees of Bachelor, Master, and Doctor in the several Arts and Faculties, at the appointed times; and shall have power, within themselves, of performing all scholastic exercises necessary for the conferring of such degrees, as shall be directed by the statutes, rules, and ordinances of the said College.

May confer degrees.

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### CHAPTER 94.

An Act to authorize the sale of the Mount Zion Chapel at Milton, Queens County.

(Passed the 18th day of April, A. D. 1866.)

1. Who may sell.

2. Proceeds—how applied.

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

1. Silvanus Morton, Allan Minard, Abner Harlow, Charlos Harlow, and Simon Kempton, trustees of the Mount Zion Chapel in Milton, Queens county, are hereby authorized to sell and convey, in fee simple, the land and meeting-house thereon known as the Mount Zion Chapel aforesaid,—such sale to be by public auction, after fifteen days' public notice in the newspaper published in the said county, and by posting handbills on the church and other public places in the county.

Who may sell.

2. The proceeds of such sale shall be paid to the proprietors in equal proportions, according to the number of pews owned by each proprietor.

Proceeds—how applied.

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### CHAPTER 95.

An Act to authorize the sale of the Old Baptist Meeting-house at Caledonia, Queens County.

(Passed the 18th day of April, A. D. 1866.)

1. Who may sell.

2. Proceeds of sale—how applied.

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

1. John Douglas, Richard H. Telfer, and George Middlemas are hereby authorized to sell and convey, in fee simple, the old Baptist Meeting-house at Caledonia, Queens county, after not less than fifteen days' public notice of such sale having been first given.

Who may sell.

2. The proceeds of such sale shall be applied to the purchase of a new site and the erection of a new Baptist meeting-house at Caledonia aforesaid.

Proceeds of sale—how applied.

## CHAPTER 96.

## An Act to incorporate the Acadia Lodge of Freemasons, Pugwash.

(Passed the 14th day of March, A. D. 1866.)

1. Incorporation.      2. Funds—how vested. Real Estate.      3. May collect debts, &c

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

Incorporation.

1. Charles E. McNutt, George Bagman, and Rufus F. Bent, and their associates, master masons, and members of Acadia Lodge, number 612, 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 Acadia Lodge of Freemasons, Pugwash.

Funds—how vested.

2. The funds and property of the lodge are vested in the corporation, who are authorized to invest the same for the benefit of the lodge; and the corporation may purchase, take, and hold real estate to the value of four thousand dollars.

Real estate.

May collect debts, &amp;c.

3. The corporation may collect all arrears due to them under the bye-laws of the lodge.

## CHAPTER 97.

## An Act to incorporate the Halifax Co-operative Society.

(Passed the 7th day of May, A. D. 1866.)

- |                                         |                                                             |
|-----------------------------------------|-------------------------------------------------------------|
| 1. Incorporation.                       | 6. Directors—how elected.                                   |
| 2. Objects of the Society.              | 7. Annual meeting—when held.                                |
| 3. May hold real estate up to \$40,000. | 8. Present officers shall continue for time of appointment. |
| 4. Liability of members.                | 9. Rules.                                                   |
| 5. Directors and officers.              |                                                             |

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

Incorporation.

1. James Martin, Michael O'Brien, Robert James Wilson, John Hanan, Michael J. Clinton, William Williams, James Gwatkin, James Griffin, Edward Flanigan, James Reardon, George W. Jackson, and all such other persons as now are, or shall hereafter become, members of this society, and their successors, shall be a body corporate by the name of the *Halifax Co-operative Society*.

Objects of the Society.

2. The object of the society shall be the improvement and promotion of the welfare of the working classes of the city of Halifax and vicinity, by providing a safe and profitable investment for the small savings of the working man, in such manner as is set forth in the rules of the society.

3. The society shall not at any time hold real estate of greater value than forty thousand dollars. May hold real estate up to \$40,000.

4. No member of the society shall be liable in his person or separate estate for the debts of the society to a greater amount in the whole than 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 society shall be governed by a Board of Directors of not less than nine members, comprising a president and secretary, and such other officers as may be designated in the rules of the society, to be chosen at the annual general meeting by a majority of members present thereat, according to the regulations now in force in the society or hereafter to be made, with respect to office bearers. Directors and officers.

6. At each annual meeting three of the directors of the past year shall be re-elected for the ensuing year; the remaining four shall also be eligible for re-election. Directors: how elected.

7. The annual general meeting of the society shall be held on the second Monday in January in each year; at which meeting the officers shall be elected by ballot; provided that vacancies may be filled at the first regular meeting of the society after the occurrence of such vacancy. Annual meeting —when held.

8. It shall not be necessary, in consequence of this act, to re-appoint any of the persons now managing the affairs of the society as office bearers thereof, but they shall continue to act for the period for which they were appointed. Present officers shall continue for time of appointment.

9. All the rules of the society now in force shall continue in force after the passing of this act until they shall have been set aside, altered, or added to, in accordance with rule 33 of the rules of the society. Rules.

## CHAPTER 98.

### An Act to amend the act to incorporate the Halifax City Railroad Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                                            |                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <p>1. Section 11 repealed.</p> <p>2. Province may assume ownership of Railway.</p> <p>3. Price to be paid by Province.</p> | <p>4. When arbitrators fail to appoint third person.</p> <p>5. In case other parties fail to appoint.</p> |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|

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

1. Section eleven of the act authorizing the Government, under certain restrictions, to become purchasers of the stock of the Halifax City Railroad Company is hereby repealed. Sec. 11 repealed.

2. The Governor in Council may at any time hereafter assume the possession and ownership, for the Province, of the Province may assume ownership of Railway.

City Railroad, with its appurtenances; and so soon as an Order in Council for that purpose shall be passed, the said railroad and its appurtenances shall become the property of the Province.

Price to be paid by Province.

3. Upon the making of such order, the Government of the Province shall pay to the owners of such railroad the value thereof, to be ascertained by two arbitrators, one to be chosen by the Government, and the other by the owners of the railroad; and in case of disagreement of the said arbitrators, the value shall be ascertained by the said arbitrators, or one of them, with a third person, to be named as hereinafter provided.

When arbitrators fail to appoint third person.

4. In case the said arbitrators fail to appoint such third person, he may be appointed by the Custos of the County of Halifax.

In case other parties fail to appoint.

5. If either the said Government or owners shall fail for the space of one month after request from the other party, to appoint an arbitrator, the said Custos shall make such appointment.

## CHAPTER 99.

### An Act to incorporate the Little Brookville Pier Company.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.
2. Power vested in company.
3. Capital. Shares.

4. Company may appoint a Harbor Master.
5. Bye-laws.
6. Bye-laws when to come into operation.

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

Incorporation.

1. Augustine J. Comeau, Augustine F. LeBlanc, Anselm M. Comeau, Symphorin Comeau, Peter LeBlanc, Charles J. Dousett, and such other persons as are or shall become shareholders in the company hereby established, their successors and assigns, are created a body corporate by the name of the *Little Brookville Pier Company*.

Power vested in company.

2. The company may erect a public wharf or pier and buildings at Little Brookville, in the county of Digby, upon any land owned by the company or the public in and about such pier or breakwater, which piers and buildings shall be open and free for the use of all ships and vessels and 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.

Capital.

3. The capital of the company shall not exceed eight thousand dollars, to be divided into shares of twenty-five dollars each, and the company may hold real estate not exceeding in value eight thousand dollars.

Shares.

Company may appoint a Harbor Master.

4. The company may appoint a Harbor Master as often as they may deem it necessary.

5. The company may make bye-laws defining the duties and powers of such Harbor Master and regulating the amount and mode of remuneration and the length of his service; and the company may also, by their bye-laws, define the limits of the harbor, and make such regulations as from time to time may be necessary for preserving the harbor and pier from damage, and also may make all necessary rules to ensure a fair participation in the use of such pier and buildings by all persons resorting to or using such harbor or pier, and to enforce the payment of all rates chargeable upon such persons; and the company may make such further regulations as may be required to carry into effect the purposes of this act. Bye-laws.

6. The bye-laws of the company shall not come into operation until approved of by the Sessions and recorded in the office of the Registrar of Deeds for the county of Digby. Bye-laws when to come into operation.

### CHAPTER 100.

An Act to amend the Act to incorporate the Governors of King's College, Windsor, and to repeal the Act for founding, establishing, and maintaining a College in this Province.

(Passed the 7th day of May, A. D. 1866.)

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

1. Sections 2 and 3 of the above named Act are hereby amended by adding to the third section the following words:—  
 “But no person shall be re-elected to the office of Governor of said College until after the period of at least eleven months from the time he shall have last served as such Governor.” Secs. 2 and 3 how amended.

### CHAPTER 101.

An Act to incorporate the Britannia Lodge of Good Templars of Wallace Harbor.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.

2. Real Estate.

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

1. E. M. Patterson, William B. Heustis, James Christie, George Scott, Thomas G. Wilbur, Daniel Rogers, W. D. Anderson, and their associates, Good Templars, and members of Britannia Lodge No. 63, of Wallace Harbor, and such other persons as shall be members of the said lodge, according to the rules and bye-laws thereof, are hereby incorporated under the name of *Britannia Lodge of Good Templars, Wallace Harbor*. Incorporation.

2. The corporation may take, hold, and enjoy real estate not exceeding in value four thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same as may be deemed expedient. Real Estate.

## CHAPTER 102.

An Act to incorporate the Trustees of the Zion Church  
in Halifax.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.      2. Bye-laws.      3. Corporation may hold real estate.

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

Incorporation.

1. Robert Richardson, Charles R. Morris, Solomon Bushinpin, John Seals, Peter Bushinpin, William Goler, George Brown, Jesse Coleman, the present committee of management of the Zion Church, and their successors in office, are hereby incorporated by the name of the *Trustees of the Zion Church in Halifax*.

Bye-laws.

2. The corporation may, from time to time, make any rules and bye-laws for the government of the church, and the management of its affairs, and the disposal of its funds; such rules and bye-laws to be subject to the approval of the Governor in Council.

Corporation may hold real estate.

3. The corporation may hold real estate not exceeding in value ten thousand dollars.

## CHAPTER 103.

An Act to vest part of the Town Dock in Windsor in the  
Temperance Hall Company.

(Passed the 7th day of May, A. D. 1866.)

1. What part of Town Dock to be vested in Temperance Hall Company. | 2. Act of incorporation of said Company amended.

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

What part of Town Dock to be vested in Temperance Hall Company.

1. So soon as the Temperance Hall Company of Windsor shall have become organized under the act to incorporate a Temperance Hall Company in Windsor, the supervisors of public grounds for that township shall convey to the directors of such company and their successors in office that portion of the Town Dock in Windsor, described as follows, viz.:—Commencing on Water street at the southern corner of Bennet Smith's land; thence running down the south-western line of said Bennet Smith's wharf one hundred and twenty-five feet; thence at right angles with said wharf sixty feet; thence parallel with the said line of Bennet Smith's land to Water street; thence along Water street to the place of beginning.

Act of incorporation of said company amended.

2. The act of incorporation of said Temperance Hall Company is hereby amended by striking out the proviso at the end of section 10 of said act.

## CHAPTER 104.

## An Act to incorporate the Chrystal Fount Lodge of Good Templars, Kentville.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.      2. Funds, &c., in whom vested.      3. May collect debts, &c.

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

1. Stephen Moore, James P. Cunningham, Charles A. Masters, Charles M. Blanchard, A. H. Fisk, and their associates, members of Chrystal Fount Lodge, No. 26, of British Order of Good Templars, 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 the *Chrystal Fount Lodge of Good Templars, Kentville*. Incorporation.

2. The funds and property of the lodge are vested in the corporation, who may invest the same on mortgage or otherwise, for the benefit of the lodge; and the corporation may hold real estate to the value of four thousand dollars. Funds, &c., in whom vested.

3. The corporation may collect all arrears due to them under the bye-laws of the lodge. May collect debts, &c.

## CHAPTER 105.

## An Act for the relief of George W. Boehner.

(Passed the 7th day of May, A. D. 1866.)

Whereas, at a conflagration which took place in the town of Liverpool in the month of August last, two buildings belonging to George W. Boehner were pulled down, by order of the proper authorities, to arrest the progress of the flames; and whereas, in consequence of the sixth section of chapter 99 of the Revised Statutes (*second series*) not having been re-enacted in chapter 99 of the Revised Statutes (*third series*), no means are now provided by which the said George W. Boehner can be compensated for the value of the buildings so pulled down,— Preamble.

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

1. The Sessions of the county of Queens are hereby authorized and empowered to proceed and assess upon the town of Liverpool such a sum of money as shall be sufficient to reimburse the said George W. Boehner for the buildings so pulled down, to the extent and in the manner pointed out in section six of chapter 99 of the Revised Statutes, (*second series*), "Of Fires and Firewards;" and the provisions of such section are hereby revived and made applicable to the case of the said George W. Boehner, for the purpose aforesaid. Sessions of Queens to assess for amount.

## CHAPTER 106.

## An Act for the incorporation of the North Sydney Marine Railway Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                         |                               |
|---------------------------------------------------------|-------------------------------|
| 1. North Sydney Marine Railway Company<br>incorporated. | 3. Real estate.               |
| 2. Capital stock. Shares.                               | 4. Liability of shareholders. |

Preamble.

Whereas, the parties now constituting the company and at present constructing their works under the name of the North Sydney Marine Railway Company, have expended and are continuing to expend large sums of money in the construction of a marine railway at North Sydney, in the island of Cape Breton, for the purpose of facilitating the repairs of vessels, are desirous of obtaining an act of incorporation from the Legislature of this Province,—

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

North Sydney  
Marine Railway  
Co. incorp.

1. The *North Sydney Marine Railway Company* is hereby constituted a body politic, and under that name may sue and be sued, and enjoy all the other privileges of a corporation; and so soon as the company now organized and doing business under that name shall at a general meeting of the shareholders thereof, by resolution, adopt the incorporation under this act, all the property, assets, and credits of the said company shall vest in the company hereby incorporated, which shall be accountable for all the debts, engagements, and liabilities thereof.

Capital stock.  
Shares.

2. The capital stock of the said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each; but whenever it may be deemed necessary, the company may, at any general meeting, by a bye-law to be sanctioned by the Governor in Council, from time to time increase the capital to a sum not exceeding one hundred thousand dollars.

Real estate.

3. The company may hold real estate not exceeding in value forty thousand dollars.

Liability of  
shareholders.

4. No shareholder shall be liable for the debts of the company in his person or separate estate to a greater amount in the whole than the amount of stock held by him, deducting therefrom the amount actually paid to the company on account thereof, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the said company shall cease to be liable for any contracts entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after the date of such transfer.

## CHAPTER 107.

## An Act to incorporate the Merrigomish Coal Mining Company.

(Passed the 31st day of March, A. D. 1866.)

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares. When to go into operation.</li> <li>3. First meeting—when and where held. Company—how organized.</li> <li>4. Liability of shareholders.</li> <li>5. Company when to go into operation.</li> <li>6. Lands, &amp;c., may be received in payment of stock.</li> <li>7. Transfer of shares.</li> </ol> | <ol style="list-style-type: none"> <li>8. List of stockholders.</li> <li>9. Meetings—where held. Agent. Service of process.</li> <li>10. Proceedings to obtain lands.</li> <li>11. Books, &amp;c., open to inspection.</li> <li>12. Act—when to cease.</li> <li>13. Company may construct railways.</li> <li>14. Company may render Merrigomish harbor navigable. May erect piers, &amp;c. Harbor to be open to navigation.</li> </ol> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Lewis R. Kirby, John J. Sawyer, and Peter Lynch, their associates, successors, and assigns, are hereby constituted and declared to be a body politic and corporate, by the name of the *Merrigomish Coal Mining Company*, for the purpose of opening and working coal mines in the Island of Cape Breton, and the county of Pictou, or elsewhere in the Province of Nova Scotia, and manufacturing coal oil and other substances from coal, and trading in the products of such mines or manufactures, and transacting business connected with any of the purposes aforesaid, or any of them; to purchase, take, or lease, or otherwise acquire any lands or other property; and to construct and make such railways, tramways or other roads as may be deemed necessary for the transportation of the products of mines worked by the said company, and of other articles, to and from such mines; and to purchase or hire, construct, build, or erect all such wharves, docks and piers, mills, houses, buildings, and machinery as may from time to time appear expedient; and to do all other matters and things which the company may deem incidental or conducive to those objects, or any of them.

Incorporation.

2. The capital stock of the company shall be two hundred thousand dollars, divided into shares of ten dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to five hundred thousand dollars by the issue of new shares; but the company shall not go into operation until twenty-five per cent. of the capital stock shall have been actually paid in.

Capital stock.  
Shares.

When to go into operation.

3. The first meeting of the company shall be held at such time and place in this Province as the said corporators or any three of them shall determine, and of which public notice shall be given in one or more newspapers published in the city of Halifax, in this Province, at least twenty days previous to such meeting; at which, or at any subsequent meeting, the company

First meeting—  
when and  
where held.

Company—how organized.

may be organized by the election of not less than three directors and of other necessary officers; and the shareholders present, in person or by proxy, shall have power to organize the company, to establish bye-laws, and elect all necessary officers.

Liability of shareholders.

4. No member of the corporation shall be liable in his person or separate estate for the debts of the company to a greater amount than the stock held by him in the company, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company, deducting therefrom the amount actually paid to the company on account of such stock; but no shareholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts of the company entered into before the date of such transfer, so as any action in respect of such liability shall be brought within six months after such transfer.

Company when to go into operation.

5. So soon as five thousand shares in the capital stock of the company shall have been subscribed for, and twenty-five per cent. of the capital stock paid in, the company may go into operation.

Lands, &c., may be received in payment of stock.

6. The directors of the company may receive lands, mines, buildings, wharves, machinery, mining rights or privileges, or any interest therein, respectively, in payment of stock subscribed for, or of any instalment or instalments due thereon; but subject, nevertheless, to such conditions as to valuation or acceptance of the same, or otherwise, as may be imposed by the bye-laws of the company.

Transfer of shares.

7. The transfer of shares in the company shall be valid and effectual for all purposes from the time such transfer is made.

List of stockholders.

8. A list of the stockholders of the company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year with the Registrar of Deeds of the county or district where the principal works of the company are situate in this Province; such certificate to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Meetings—where held.

9. The meetings of the company shall be held at such place in this Province as the directors may appoint; and the company, through their directors or otherwise, shall appoint a recognized manager or agent resident in this Province, service on whom of all process, notices, and other documents shall be deemed to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county of Halifax. In default of the appointment, or in case of the absence or death of such agent, process, notices, and documents may be served on any officer

Agent—service of process.

or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

10. Whenever it shall be necessary in the construction or maintenance of the works of the company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published in Halifax, and also, if there be any, in one newspaper of the county where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall neglect, or refuse, or can not agree to make such nomination, the judge shall, on proof of such publication, or service of such notice, nominate four appraisers, and shall, by an order in writing, direct the said five appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to and appraise such land, and shall make such appraisement in writing, and return it, under the hands of the appraisers, or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*; and the company upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

11. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Proceedings to  
obtain lands.

Books, &c., open  
to inspection.

Act—when to  
cease.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Company may  
construct rail-  
ways.

13. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any river, brook, or stream; subject, nevertheless, in such cases, to regulations to be made by the Court of Sessions to ensure the safety of the inhabitants and their property.

Company may  
render Merrigo-  
mish Harbor  
navigable.

14. The company may proceed, either alone or with any other company, to render navigable any portion of Merrigomish harbor that is not at present navigable, by deepening, widening, or extending the channels, or by opening a new channel or channels. They may erect piers, breakwaters, and shipping places for coal upon any lands owned by the company, or acquired as herein provided, or upon any lands of the Crown in respect of which permission shall be granted by the Governor in Council, in and about the shores of such harbor. The portions of such harbor thus rendered navigable shall be open and free for the use of all ships, vessels, and boats, and to all persons desirous of using the same for trading purposes, subject to such tolls and regulations at such rates as shall be fixed by the company and approved by the sessions of the county.

May erect  
piers, &c.

Harbor to be  
open to naviga-  
tion.

## CHAPTER 108.

### An Act to incorporate the Aconi Coal Company.

(Passed the 7th day of May, A. D. 1866.)

1. Incorporation.
2. Capital stock. Shares.
3. First meeting—how held.
4. Liability of shareholders.
5. Stock—how paid for.
6. Transfer of shares.
7. List of stockholders.

8. Meetings—when and where held.
9. Proceedings to obtain lands.
10. Books open to inspection.
11. Act, when to cease.
12. Company may construct railway.
13. This act not to interfere with General Mining Association's rights.

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

Incorporation.

1. Hugh Ross, William H. Moore, John Pryor, their associates, successors, and assigns, are hereby constituted and declared to be a body politic and corporate by the name of the *Aconi Mining Company*, for the purpose of opening and working coal mines in the Island of Cape Breton or elsewhere in the Province of Nova Scotia, and manufacturing coal oil and other substances from coal, and trading in the products of such mines or manufactures, and transacting business connected with any of the purposes aforesaid, with full power for the purposes aforesaid, or any of them, to purchase, take, or lease, or otherwise acquire any lands or other property, and to construct and make such railways, tramways, or other roads,

as may be deemed necessary for the transportation of products of mines worked by the said company, and of other articles; to build or erect all such wharves, docks, piers, mills, houses, buildings and machinery, as may from time to time appear expedient, and to do all other matters and things which the company may deem incidental or conducive to those objects or any of them.

2. The capital stock of the company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to one million dollars by the issue of new shares; but the company shall not go into operation until twenty-five per cent of the capital stock is actually paid in.

3. The first meeting of the company shall be held at such time and place in this Province as the above corporators, or any three of them shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax and in the county where the lands lie, if there be any, at least twenty days previous to such meeting, and continue to the date thereof, at which or any subsequent meeting the company may be organized by the election of not less than three directors, and of other necessary officers, and the shareholders present in person, or by proxy, shall have full power to organize the company, establish bye-laws, and elect all necessary officers.

4. No member of the company shall be liable in his person or separate estate for the debts of the company to a greater amount than 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 sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

5. The directors of the company may receive lands, mines, buildings, wharves, machinery, mining rights or privileges, or any interest therein respectively, in payment for stock subscribed for or of any instalment due thereon, but subject, nevertheless, to such conditions as to valuation or acceptance of the same, or otherwise, as may be imposed by the bye-laws of the said company.

6. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

7. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of

Capital stock.

Shares.

First meeting.  
how held.Liability of  
shareholders.Stock, how paid  
for.Transfer of  
shares.List of stock-  
holders.

May and November in each year, certified under the hands of the President and Secretary, shall be filed in the months of May and November in each year with the Registrar of Deeds of the county or district where the principal works of the company are situated in this Province, such certificate to contain the names of the stockholders and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed ; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Meetings, when  
and where held.

8. The meetings of the company shall be held at such place in this Province as the directors may appoint, and the company, through their directors or otherwise, shall appoint a recognized manager or agent, resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the County of Cape Breton ; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company ; and such service or posting shall be deemed a sufficient service on the company.

Proceedings to  
obtain lands.

9. Whenever it shall be necessary in the construction or maintenance of the works of the said company that the company should be invested with the lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company ; whereupon, such Judge, being satisfied that the lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney, and the Judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the Judge shall nominate two appraisers ; but in case the owners do not attend or shall neglect or refuse, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing, direct the said five appraisers to value the lands so required ; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a

Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisalment, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisalment in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisalment, or direct an appraisalment *de novo*; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisalment to the owners, or in case of dispute, to such parties as the court or a Judge shall direct, and registering such order, affidavit, appraisalment and confirmation, in the office of the Registrar of Deeds in the County in which such lands lie, who is hereby required to register the same, shall be considered the owners of such land.

10. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books, &c., open to inspection.

11. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act—when to cease.

12. It shall be lawful for the company to make or construct a railway, over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams; subject, nevertheless, in such cases to regulations to be made by the Court of Sessions to ensure the safety of the inhabitants and their property.

Company may construct railway.

13. Nothing in this act shall affect or be construed to affect the rights granted to the General Mining Association under their lease from the Crown, bearing date the first day of January, 1858, and confirmed to them by the act passed in the twenty-first year of Her present Majesty's reign, and as modified by the act passed in the twenty-sixth year of Her present Majesty's reign.

This act not to interfere with General Mining Association's rights.

## CHAPTER 109.

An Act to continue and amend the act to incorporate the Mutual Bank of Nova Scotia.

(Passed the 7th day of May, A. D. 1866.)

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

1. The time limited by section 43 of said act for commencing operations thereunder is hereby extended to the further period of two years from the date of the passing of this act.

Time extended for two years.

## CHAPTER 110.

## An Act to incorporate the Intercolonial Coal Mining Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                          |   |                                         |
|--------------------------------------------------------------------------|---|-----------------------------------------|
| 1. Incorporation.                                                        | } | 6. Company, when to go into operation.  |
| 2. Capital stock. Shares.                                                |   | 7. Meetings—when held.                  |
| 3. First meeting, when and where held.                                   |   | 8. Proceedings to obtain lands.         |
| Company—how organized. Vacancies, how filled. Liability of shareholders. |   | 9. Books, &c., open to inspection.      |
| 4. Liability of shareholders.                                            |   | 10. Lists of stockholders.              |
| 5. Agent—service of process.                                             |   | 11. Company may construct railways, &c. |
|                                                                          |   | 12. Act—when to cease.                  |

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

Incorporation.

1. The honorable James Ferrier, E. M. Hopkins, George Moffat, John Campbell, Samuel Leonard Shannon, Henry Thomas, George A. Drummond, William H. A. Davis, J. B. Moore, and Henry McKay, and their associates, successors, and assigns, are hereby constituted a body corporate and politic, by the name of the *Intercolonial Coal Mining Company*, by which name they may transact all business herein authorized, for the purpose, and with the power of opening and working coal and other mines in the county of Pictou, or elsewhere in the Province of Nova Scotia; and purchasing, holding, using, and conveying lands, mills, machinery, vessels, vehicles, and other property, and manufacturing coal oil or other substances from coal; boring, pumping, or otherwise producing petroleum, and trading in such coal, coal oil, petroleum, and other substances; and constructing such roads, railways, and tramways, as may be necessary for the transportation of coal, coal oil, and other substances and supplies from and to the mines, and using the same for the purposes aforesaid, and all other purposes for which roads, railways, and tramways may be used; and constructing, purchasing, or hiring and holding such wharves, water lots, docks and piers as may be necessary or proper for the working of their mines, the storing, banking, and shipment of coals and other substances, or for the protection or safety of shipping, and constructing dwellings or other works and buildings for the miners and workmen of the company, and for other uses of the company; and of doing all other things which the company may deem incidental or conducive to the foregoing purposes or objects, or any of them.

Capital stock.

Shares.

2. The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such. The company may issue stock in payment for lands or other property on such terms as the directors may think best, and such stock shall be deemed to be full paid

up stock as if paid in money. The company may also issue bonds bearing any legal rate of interest, payable in Halifax or Montreal, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and extent, and at such price as the directors may think best. It shall not be necessary to affix the seal of the company to any of its acts or contracts, except its conveyances of lands and its stockholders' certificates.

3. The first meeting of the company shall be held at such time and place in this Province, or in the Province of Canada, as any three of the corporation shall determine, of which public notice shall be given in one or more of the newspapers published in Halifax and Montreal at least twenty days previous to such meeting, at which meeting, or at any subsequent meeting, the company may be organized by the adoption of bye-laws, and the election from the shareholders of a Board of Directors, not less than three nor more than nine in number. The number of directors may be changed from time to time by an alteration of the bye-laws. There shall be an annual meeting of the stockholders at such time and place as the bye-laws shall prescribe; at such, or at any subsequent annual or special meeting, the bye-laws may be made or changed and the Board of Directors elected. Special meetings of the stockholders may also be called by the directors on due notice thereof being given to the stockholders. The directors shall have power to transact the business of the company, subject to the bye-laws. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The directors for the time being shall hold over until others shall be chosen in their places. In case of a vacancy in the Board of Directors by death, resignation, or otherwise, it may be filled for the residue of the term by the remaining members of the Board. The President and Secretary, and such other officers as may be required, shall be appointed in such manner as the bye-laws may provide.

4. No member of the company shall be liable in his person or separate estate for any debt or obligation of the company, or for any further, greater, or other sum than such as may remain unpaid on the stock taken or held by him, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts entered into before the date of such transfer unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after the date of such transfer.

5. The directors shall appoint an agent resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company. The name and address of such agent shall be filed with the

First meeting—  
when and where  
held.

Company, how  
organized.

Vacancies—how  
filled.

Liability of  
shareholders.

Agent—service  
of process.

Registrar of Deeds of the County of Pictou; and in case of the death or absence of such agent from the Province, and before the appointment of another, service of process may be made by affixing a copy upon some conspicuous building or office of the company in the County of Pictou, and advertising the same for two weeks in a newspaper published in that county.

Company—  
when to go into  
operation.

6. The company may go into operation as soon as it shall have been organized by the adoption of bye-laws and the election of a Board of Directors, and a sum equal to twenty-five per cent. of the capital stock actually paid in; provided the amount so paid up be not less than one hundred thousand dollars.

Meetings—  
where held.

7. The meetings of the stockholders and of the directors may be held at any place within this Province or in the Province of Canada as the bye-laws may from time to time prescribe; and the office for the receipt of subscriptions to stock, the transfer of shares, and the transaction of all business of the company, except mining, may also be established at such place within this Province or in the Province of Canada as the bye-laws may from time to time prescribe.

Proceedings to  
obtain lands.

8. Whenever it shall be requisite for the construction of any road, railway, or tramway, contemplated by this act, that the company should be invested with the right or title to the lands over which the same shall pass, and contiguous thereto, for the track or stations, and no agreement can be made for the purchase thereof, it shall be lawful for the company to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the name of the owner or occupier thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that such lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of the petition, and shall direct notice thereof in writing to be served upon the owner or occupier of the lands if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also in one newspaper of the county, if there be any, where the lands lie; and at the time and place so appointed the Judge shall require the directors to appoint one appraiser, and such owners to appoint another appraiser, and the Judge shall appoint a third appraiser; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed, proceed to and appraise such lands; and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, to a Judge, who may confirm, modify, alter, or reject such appraisement,

or direct a new appraisalment; and the company, upon paying to the owner, or into the Supreme Court, the amount of the appraised value as finally confirmed, and the expenses of the appraisalment, and registering the order, affidavit, appraisalment, and confirmation in the office of the Registrar of Deeds in the county in which said lands lie, shall be vested with the title to such lands and entitled to the immediate possession thereof.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same. Books, &c., open to inspection.

10. A list of the stockholders of the company, and of the number of shares held by each of them on the first day of January in each year, certified under the hand of the President and Secretary, shall be filed in that month with the Registrar of Deeds of the county of Pictou; and it shall not be necessary to file any other certificate. List of stockholders.

11. It shall be lawful for the company to make or construct any road, railway, or tramway, over, under, or across any river, brook, or stream; subject, nevertheless, in such cases, to such regulations as may be made by the Court of Sessions for ensuring the safety of the inhabitants and of their property. Company may construct railways, &c.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing. Act—when to cease.

## CHAPTER 111.

### An Act to incorporate the Mira Bay Coal Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares. Corporation may borrow money. Not to go into operation until 25 per cent. of stock paid up.</li> <li>3. First meeting—when and where held.</li> <li>4. Liability of stockholders.</li> <li>5. Meetings—where held.</li> <li>6. Subscription books.</li> </ol> | <ol style="list-style-type: none"> <li>7. Proceedings to obtain lands.</li> <li>8. Company may hold stock of other incorporations.</li> <li>9. Books open to inspection.</li> <li>10. List of stockholders.</li> <li>11. Company may construct railways, &amp;c.</li> <li>12. Act—when to cease.</li> <li>13. Act not to interfere with Mira Bay Harbor Company.</li> </ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Hugh McLeod, his associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the *Mira Bay Coal Company*, for the purpose of purchasing, holding, leasing, and selling mines and mining rights, and of opening and working the same in the county of Cape Breton, and transacting all business connected therewith, and for the purchase and sale of coals; for holding and conveying real estate, mills, and machinery; for manufacturing Incorporation.

and selling coal oil, and boring and obtaining the same from the earth, and for other purposes connected therewith; for the constructing and opening of railroads and branch roads for the transportation of coal and coal oil, and other freights from the mines, to any place or places of shipment; for opening and making harbors, and constructing and holding such wharves and docks and piers as may be necessary for such business as the company may consider suitable and convenient.

Capital.  
Shares.

2. The capital of the company shall be three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, which shall be personal property, transferable and assignable as such. The corporation shall have power to increase their capital stock by the issue of new shares by a vote of the majority of the stockholders in interest, to an amount not exceeding in all six hundred thousand dollars. Any coal company or other corporation, either foreign or incorporated in this Province, may own and transfer any stock in the said company. The said corporation shall have power to borrow money, by a vote of two-thirds of the directors, for the purpose of operating its mines, buildings, and equipping its railroads, opening harbors, and constructing wharves, and to issue bonds for the same, bearing interest at the rate of six per cent. per annum, secured by a mortgage on the property, real and personal, of the said company, which shall become a lien on said property precedent to all other subsequently acquired claims against the said corporation. The company shall not go into operation until twenty-five per cent. of the capital stock be actually paid up.

Corporation  
may borrow  
money.

Not to go into  
operation until  
twenty-five per  
cent. of stock  
paid up.

First meeting—  
when and where  
held.

3. The first meeting of said company shall be held at such time and place in this Province or in the United States of America, as any three of the corporators shall determine, of which notice shall be given by them to each of the subscribers ten days previous to such meeting; at which meeting, or at any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than five nor more than nine, of whom three shall be a quorum.

Liability of  
stockholders.

4. No member of the company shall be liable for the debts of the company to a greater amount than the amount of stock held by him, deducting therefrom the amount actually paid to the company on account thereof, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts entered into before the date of such transfer unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Meetings—  
where held.

5. The meetings of the company shall be held at such places as the directors may appoint; and at every annual meeting they shall elect a recognized manager or agent resident in

this Province, services on whom of all processes, notices and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds of the county where the principal works of the company are carried on, and in case of the absence of such agent from the Province, or doubt of absence, service of process may be made by affixing a copy upon some conspicuous building or office of the company within the county where the property is located.

6. The corporation may open books for the subscription of stock in one or more places out of the Province, as also books for transference; may appoint officers for the same, and paying of interest, and dividends for the whole, or any part of the stock, with agencies and branch offices, for the purposes of their incorporation.

Subscription books.

7. Wherever it shall be requisite in the construction of any railway, contemplated by this act, or in the opening of shafts or drift-ways, or in the erection of houses of any description, or wharves, or docks, that this company should be invested with lands for these purposes, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court of this Province, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month in at least two newspapers published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the directors to nominate one appraiser, and such owners to unite in naming another appraiser, and the Judge shall nominate a third appraiser; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate two appraisers, and the said company shall nominate one appraiser, and the Judge shall, by an order in writing, direct the said three appraisers thus nominated to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisement in writing, and return it under the hands of the appraisers, or a majority of them,

Proceedings to obtain lands.

with such order and affidavits, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*. And the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute to such parties as the court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds in the county in which the said lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Company may hold stock of other corporations.

8. The said company may subscribe for, take, hold, and dispose of stock in any other incorporation, organized or to be organized. It may issue any part of its capital stock in payment for mining rights or property, real or personal. The stock so issued shall be considered full paid stock, and the said company are hereby authorized, through its officers or their agent or agents, as the Board of Directors may appoint, to vote as stockholders, and to exercise all other powers of a stockholder in relation to the stock so held by them in such incorporation aforesaid.

Books open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council may appoint to inspect the same, and also of the stockholders.

List of stockholders.

10. A list of the stockholders of the said company, and of the number of shares held by each of them, on the first days of May and November in each year, certified under the hand of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds in the county where the principal works of the company are situated; such certificates to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificates are filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Company may construct railways, &c.

11. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks or streams, or lands, subject nevertheless to regulations to be made by the Court of Sessions for the county for the safety of the inhabitants and their property, and the preservation of public and private rights; also, it shall be lawful to make harbors, piers, breakwaters, and shipping places for coal, upon any land owned by the company or acquired under this act, or upon any land of the crown, in respect of which permission shall be granted by the Governor and Council, in and about the shores of such harbor.

Act—when to cease.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

13. Nothing in this act shall interfere or affect in any wise the rights and privileges of the Mira Bay Harbor Company, under their act of incorporation, chapter 41, of the acts of 1865.

Act not to interfere with Mira Bay Harbor Company.

## CHAPTER 112.

### An Act to incorporate the Washington Pier and Harbor Company.

(Passed the 31st day of March, A. D. 1866.)

- |                                                                                                                                                                                                                               |                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares.</li> <li>3. First meeting—when and where held.</li> <li>4. Liability of shareholders.</li> <li>5. Meetings—where held.</li> </ol> | <ol style="list-style-type: none"> <li>6. Company may erect piers, &amp;c.</li> <li>7. Proceedings to obtain lands.</li> <li>8. Books, &amp;c., open to inspection.</li> <li>9. Act when to cease.</li> </ol> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Henry N. Paint and William J. Fraser, their associates, successors, and assigns, are hereby constituted a body politic by the name of the *Washington Pier and Harbor Company*, for the purpose of constructing piers and forming a harbor at such point or place as the company may select between the Low Point and South Bar, near Sydney harbor, in Spanish River, in the County of Cape Breton. Incorporation.

2. The capital of the company shall be twenty thousand dollars, in shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such, and the corporation shall have power to increase their capital stock to one hundred thousand dollars by the issue of new shares by the vote of stockholders. Capital stock.  
Shares.

3. The first meeting of the company shall be held at such time and place in this Province, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given in two of the Halifax newspapers at least twenty days previous to such meeting; at which or at any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than three nor more than seven, and of whom three shall be a quorum. First meeting—  
when and where  
held.

4. 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 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 sum by becoming surety for the debts of the company; but no shareholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts of the company entered into before the date of such transfer, so as any action in respect of such liability shall be brought within six months after such transfer. Liability of  
shareholders.

Meetings—  
where held.

5. The meetings of the company shall be held at such place as the directors may appoint, and at every annual meeting they shall elect a recognized manager or agent resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company; and the name of such agent shall be filed with the Registrar of Deeds for the County of Cape Breton.

Company may  
erect piers, &c.

6. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the capital stock, may proceed to erect piers and breakwaters, and form a harbor at any point selected as above mentioned; they may for that purpose, on obtaining the consent of the proprietors, or after having taken the proceedings herein-after mentioned, erect piers and breakwaters, deepen, excavate, and clear out the shores or margin of the sea, or land under the sea, and construct docks, dams, sluices, waterways, or other necessary constructions for the purpose of forming or improving such piers or harbors.

Proceedings to  
obtain lands.

7. Whenever it shall be requisite, in the construction or maintenance of the works of the company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owners or occupiers of the lands if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also, if there be any, in one newspaper of the county where the lands lie, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the Judge shall nominate two appraisers; but in case such owners do not attend, or shall refuse or neglect, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of notice, nominate four appraisers, and shall, by an order in writing, direct the said five appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisal, shall with all convenient speed, proceed to and appraise such land, and shall make such appraisal in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit,

to a Judge, who may confirm, modify, alter or reject such appraisement, or direct an appraisement *de novo*; and the company upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement to the owners, or in case of dispute, to such parties as a court or Judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the Registrar of Deeds of the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

8. The books and accounts of the company shall be at all times open to the examination of such persons as the Governor in Council shall appoint to inspect the same. Books, &c., open to inspection.

9. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing. Act when to cease.

10. Nothing in this act shall affect, or be construed to affect, the rights granted to the General Mining Association, under their lease from the Crown, bearing date the first day of January, A. D. 1858, and confirmed to them by the act passed in the twenty-first year of her present Majesty's reign, and as modified by the act passed in the twenty-sixth year of her present Majesty's reign.

## CHAPTER 113.

### An Act to incorporate the Ophir Mining Company.

(Passed the 31st day of March. A. D. 1866.)

- |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares.</li> <li>3. First meeting—when and where held.</li> <li>4. Liability of stockholders.</li> <li>5. Lands, &amp;c., may be received in payment of stock.</li> </ol> | <ol style="list-style-type: none"> <li>6. Transfer of shares.</li> <li>7. List of stockholders.</li> <li>8. Meetings—when held.</li> <li>9. Books, &amp;c., open to inspection.</li> <li>10. Act when to cease.</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Charles F. McClure, James Dana, Gilbert Atwood, Charles Barratt and Oliver Brewster, their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of the *Ophir Mining Company*, for the purpose of mining, quarrying, digging, crushing, washing, and otherwise winning gold or gold-bearing quartz, and other metals and minerals, with full power to purchase, take, or lease, or otherwise acquire any lands, claims, or other property; and to erect all such buildings and machinery as may from time to time appear expedient, and to carry on the business of mining, quarrying, or otherwise searching for gold or other metals and minerals, and crushing, smelting, reducing, and refining the Incorporation.

same, whether on account of the company or for other persons or companies, in such manner as they may from time to time deem conducive to the objects of the company.

Capital stock.

Shares.

2. The capital stock of the company shall be one hundred thousand dollars, to be divided into one hundred thousand shares of one dollar each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to two hundred thousand dollars by the issue of new shares; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in this Province or in the United States of America, as the above corporators, or any three of them, shall determine, and of which public notice shall be given in one or more newspapers published in the city of Halifax, in the Province of Nova Scotia, and in one or more newspapers published in the city of Boston, in the United States of America, at least twenty days previous to such meeting, and continued to the date thereof; at which, or any subsequent meeting, the company may be organized by the election of not less than three directors, and of other necessary officers; and the shareholders present in person or by proxy, shall have full power to organize the company, establish bye-laws, and elect all necessary officers.

Liability of  
stockholders.

4. No member of the corporation shall be liable in his person or separate estate for the liabilities of the corporation to a greater amount in the whole than 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 sum by becoming surety for the debts of the company; but no shareholder who may have transferred his interest in the stock of the company shall cease to be liable for any contracts of the company entered into before the date of such transfer, so as any action in respect of such liability shall be brought within six months after such transfer.

Lands, &c.,  
may be received  
in payment of  
stock.

5. The directors of the company may receive lands, mines, buildings, machinery, mining rights or privileges, or any interest therein, respectively in payment for stock subscribed for, or of any instalment or instalments due thereon, but subject, nevertheless, to such conditions as to valuation or acceptance of the same, or otherwise, as may be imposed by the bye-laws of the company.

Transfer of  
shares.

6. The transfer of shares in the company shall be valid and effectual for all purposes from the time such transfer is made.

List of stock-  
holders.

7. A list of the stockholders of the said company, and of the number of shares held by each of them, on the first days of May and November in each year, certified under the hands

of the President and Secretary, shall be filed in the months of May and November in each year, with the Registrar of Deeds of the county or district where the principal works of the company are situated in this Province, such certificate to contain the names of the stockholders, and the number of shares held by them respectively on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

8. The meetings of the company shall be held at such place in this Province or in the United States of America, as the directors may appoint; and the company, through their directors or otherwise, shall appoint a recognized manager or agent, resident in this Province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the Registrar of Deeds for the county of Halifax; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company; and such service or posting shall be deemed a sufficient service on the company.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

10. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

## CHAPTER 114.

### An Act to incorporate the Nova Scotia Salt Works and Exploration Company.

(Passed the 7th day of May, A. D. 1866.)

- |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Incorporation.</li> <li>2. Capital stock. Shares.</li> <li>3. First meeting—when and where held.</li> <li>4. Liability of stockholders.</li> <li>5. Transfer of shares.</li> <li>6. When to go into operation. Shares—how paid.</li> <li>7. Meetings—when and where held. Agent: service of process.</li> </ol> | <ol style="list-style-type: none"> <li>8. Proceedings to obtain lands.</li> <li>9. Subscription books.</li> <li>10. Books, &amp;c., open to inspection.</li> <li>11. Preferential right to mines, &amp;c.</li> <li>12. Company to have right to purchase Crown lands.</li> <li>13. Act when to cease.</li> <li>14. Provisions of act—how limited.</li> </ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

1. Benjamin Wier, Robert Boak, junior, Patrick Power, John T. Twining, William J. Fraser, and Josiah Deacon, their associates, successors, and assigns, are hereby constituted and declared to be a body politic and corporate, by the name of the Incorporation.

*Nova Scotia Salt Works and Exploration Company*, for the purpose of manufacturing salt from brine and exploring rock salt and other minerals which may be in the Province of Nova Scotia, and trading in the products of such mines or manufacture, and transacting business connected with any of the purposes aforesaid, with full power for the purposes aforesaid, or any of them, to purchase, take, or lease, or otherwise acquire any lands or other property, and to construct and make such railways, tramways, or other roads as may be deemed necessary for the transportation of the products of mines worked by the said company and of other articles to and from such mines; and to purchase or hire, construct, build, or erect all such wharves, docks, piers, mills, houses, buildings, and machinery as may from time to time appear expedient, and to do all other matters and things which the company may deem incidental or conducive to those objects, or any of them.

Capital stock.  
Shares.

2. The capital stock of the company shall be sixteen thousand dollars, to be divided into four hundred shares of forty dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to one hundred and sixty thousand dollars by the issue of new shares.

First meeting—  
when and where  
held.

3. The first meeting of the company shall be held at such time and place in this Province as a majority of the corporators shall determine, of which notice shall be given either by advertising such notice in two of the Halifax newspapers at least twenty days before said meeting or by serving the same personally upon each corporator at least twenty days previous to such meeting; at such first meeting, or at any subsequent meeting, the company may be organized by the election of a Board of Directors of not less than three or more than six, of whom three shall be a quorum.

Liability of  
stockholders.

4. 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 the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of said stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company shall cease to be liable for any contract entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Transfer of  
shares.

5. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

When to go into  
operation.

6. The company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in; and it shall be lawful for the said corporation to take lands, mines,

buildings, wharves, machinery, mining rights, privileges, or property in payment of any instalment or instalments due on any of the increased capital stock subscribed, at such valuation as the company shall decide.

Shares—how paid.

7. The meetings of the company shall be held at such time and place within the Province of Nova Scotia as the directors may appoint; and the company, through their directors or otherwise, shall appoint a recognized manager or agent resident in the Province, service on whom of all process, notices, and other documents shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the Registrar of Deeds for the county of Halifax. In default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be sufficient service on the company.

Meetings—when and where held.

Agent—service of process.

8. Whenever it shall be necessary, in the construction or maintenance of the works of the said company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the Judges of the Supreme Court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such Judge, being satisfied that the lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the Judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the Judge shall nominate two appraisers; but in case such owners do not attend, or shall neglect or refuse, or cannot agree to make such nomination, the Judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall, by an order in writing, direct the said five appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a Justice of the Peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisement in writing, and return it, under the hands of the appraisers or a majority of them, with such order

Proceedings to obtain lands.

and affidavit, to a Judge, who may confirm, modify, alter, or reject such appraisement, or direct an appraisement *de novo*; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute to such parties as the Court or a Judge shall direct, and registering such order, affidavit, appraisement, and confirmation in the office of the Registrar of Deeds in the county in which the lands shall lie, who is hereby required to register the same, shall be considered the owners of such lands.

Subscription books.

9. The corporation may open books for the subscription of stock in one or more places out of the Province, as also books for transfer, and may appoint officers for the same and paying of interest and dividends for the whole or any part of the stock, with agencies or branch offices for the sale of salt, coal, or any mines or minerals which the company may discover or possess, as well as the general transaction of their business.

Books, &c., open to inspection.

10. The books and accounts of the company shall at all times lie open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Preferential right to mines, &c.

11. The company shall possess for twenty days after discovery a preferential right to licenses and leases, in the usual manner, of any coal mines or other minerals belonging to the Province which it may discover during its explorations in different sections of the Province, the Governor in Council having the power to determine the extent of the areas; such areas, if not containing gold, to be not less than one square mile in extent, the same to be subject to the terms upon which areas are now or hereafter may be granted to private persons or bodies corporate.

Company to have right to purchase Crown lands.

12. The company shall have the right to purchase, at the usual price, any Crown lands whereon they may find it advantageous to establish works or buildings for their workmen, but not more than one thousand acres in one locality, nor if the land be required at the time of application for the same for public works or requisitions.

Act when to cease.

13. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Provisions of act, how limited

14. The provisions of this act shall not be applicable to salt works now in operation, or to brine springs and deposits of rock salt connected therewith, nor to any other mines or minerals already worked or being worked previous to the passing of this act.

## CHAPTER 115.

An Act to amend the Act to incorporate the International Coal and Railway Company, and the Acts in amendment thereof.

(Passed the 18th day of April, A. D. 1866.)

- |                                                                                                |                                                                                |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <p>1. Section 10, cap. 42, laws 1864, repealed.<br/>Power to build railroad when to cease.</p> | <p>3. Authority to increase capital and issue preferential stock repealed.</p> |
| <p>2. Section 1, cap. 66, acts 1865, repealed.</p>                                             | <p>4. Liability of former company assumed by present.</p>                      |

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

1. The tenth section of chapter 42 of the acts of 1864, entitled, "An act to incorporate the International Coal and Railway Company," is hereby repealed, and the following enacted in lieu thereof: "The authority of said company to build and operate a railroad, as herein provided, shall cease and determine unless the said railroad shall be effectually commenced within one year after the first day of July, 1866."

Sec. 10, cap. 42, laws 1864, repealed.

Power to build railroad—when to cease.

2. Section one of chapter 66, of the acts of 1865, entitled, "An act to amend the act to incorporate the International Coal and Railway Company," is hereby repealed.

Sec. 1, cap. 66, acts 1865, repealed.

3. The authority given to the Board of Directors by the fourth section of the act mentioned in the preceding section herein, to increase the capital stock of the company by the issue of new shares and to create preferential stock, is repealed.

Authority to increase capital and issue preferential stock repealed.

4. All liabilities incurred by the International Coal Company shall be assumed by the International Coal and Railway Company, who shall be held liable therefor, as if they had been incurred by the latter company; and nothing in this act, or the acts of the last session, of which this is an amendment, shall affect or be construed to affect or prejudice private rights.

Liability of former company assumed by present.

## CHAPTER 116.

An Act to amend the Act to incorporate the Boston and Bridgeport Coal Mining Company.

(Passed the 14th day of March, A. D. 1866.)

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

1. The time limited by section 12, chapter 39, of the acts of 1864, entitled, "An Act to incorporate the Boston and Bridgeport Coal Mining Company," is extended for the period of one year from the first day of July, 1866.

Time extended for one year.



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