THE

STATUTES AT LARGE,

OF

PRINCE EDWARD ISLAND,

From the first General Assembly, in the Year 1773 to 1833, inclusive.

Charlotte-Town:
JOHN H. WHITE, *Printer*, MDCCCXXXIV.

CAP II.

An ACT to confirm and make valid in Law all manner of Process and Proceedings in the several Courts of Judicature within this Island, from the first day of May, One Thousand Seven Hundred and Sixty-nine, to this present Session of Assembly.

Preamble.

WHEREAS this Island has been without a complete Legislature from the commencement of the Government thereof, which took place on the First day of *May* One Thousand Seven Hundred and Sixty-nine, unto this present Session of Assembly; during which time many and various Proceedings have been had at the several Courts of Judicature in this Island:

All Writs, Pleas, &c. in any Court within this Island from the first of May 1769 to the end of this present Session, confirmed,

Be it therefore enacted, by the Governor, Council and Assembly, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments and Decrees, of or concerning any matter or thing whatsoever, which have been heretofore sued out and prosecuted to Judgment in any of the said several Courts within this Island, from and after the said First day of *May* One Thousand Seven Hundred and Sixty-nine, to the end of this present Session of Assembly, shall be good and valid in the Law: *Provided always,* that this Act shall not be construed to extend to take away or rectify errors in the misusing of Process, Mispleadings, and erroneous rendering of Judgment in point of Law: But in all such cases, the Parties aggrieved may have their Writ or Writs of Error upon such erroneous Judgment, in such manner as they might have done before the making of this Act.

saving to parties Writs of Error.

CAP. III.

Acts which amend or alter this Act 26th Geo. 3d, c. 11. 35th Geo. 3d, c. 7.

An ACT for establishing the Times and Places of holding the Supreme Courts of Judicature.

Supreme Court of Judicature to sit at Charlotte-Town two Terms in each Year.

BE *it enacted, by the Governor, Council, and Assembly,* That His *Majesty's Supreme Court of Judicature* shall be holden at two Terms in every year; that is to say, on the third *Tuesday* in the month of *February,* and on the last *Tuesday* in the month of *June,* at *Charlotte-Town.*

All Writs, Pleas, &c. to be valid.

And that all Suits, Pleas, Declarations, Bills, Indictments, Informations, Judgments and Decrees, which shall hereafter be sued out, prosecuted, rendered or given, in the said *Supreme Court of Judicature,* shall be good and valid in the Law, to all Intents and Purposes whatsoever.

Saving clause to Suitors.

Provided always, that this Act shall not be construed to extend to take away or rectify errors in the misusing of Process, Mispleadings and erroneous rendering of Judgments in point of Law: but in all such cases the parties aggrieved shall and may have their Writ or Writs of error upon such erroneous Judgments.

New Term added by 26th Geo. 3d. c. 11, s. 1.

CAP. IV.

Repealed by 35th Geo. 3d, c. 6.

An ACT for the Publication of all the Laws within this Island, and for recording the same in the Secretary's Office; as also for transmitting the Journals of the Council and House of Assembly into the said Office, to the end that no person be ignorant of the Laws of this Island.

CAP. V.

An ACT for ascertaining Damages on Protested Bills of Exchange.

BE *it enacted, by the Governor, Council, and Assembly,* That from and after the first day of *August,* in the Year of our Lord One Thousand Seven Hundred and Seventy-three, all Bills of Exchange drawn from and after said time, by any Person or Persons residing within this Island, upon any Person or Persons in *Europe,* and which shall be protested and returned to this Island under Protest, each and every such protested Bills of Exchange shall be subject to *Ten Pounds per cent.* Damages, and *Six Pounds per cent. per annum,* Interest, over and above all charges of Protest, Postage, and other attendant Expenses; the same to be calculated on such Bill or Bills from the day of the date of the Protest, up to the time of Payment.

Foreign Bills of Exchange returned protested, subject to 10 per cent. damages,

And 6 per cent Interest per annum.

II. *And be it further enacted,* That all Bills of Exchange drawn by any person or persons residing within this Island from and after the expiration of said time, on any Person or Persons in other Colonies, and sent back protested, shall be subject to *Five Pounds per cent.* Damages, and to *Six Pounds per cent. per annum,* interest, to be calculated from the day of the date of the Protest, up to the time of payment.

Colony Bills of Exchange, subject to 5 per cent damages,

with Interest.

III. *And be it further enacted,* That all Bills and Orders which shall or may be drawn from and after the said first day of *August,* by any Person or Persons living or residing within this Island, on any Person or Persons also living or residing in the same, and which may be duly protested, shall be subject to *Six pounds per cent.* interest, to be calculated from the day of the Protest up to the time of payment.

Island Bills of Exchange 6 per cent. Interest.

CAP. VI.

Repealed by 48th Geo. 3d, c. 3.

An ACT to prevent the throwing of Ballast into Rivers and Creeks on this Island.

CAP. VII.

Repealed by 38th Geo. 3d, c. 2.

An ACT for indemnifying persons who shall Burn small Bushes, rotten Wind-falls, decayed Leaves, and all other Brush and Rubbish upon the Lands and in the Woods on this Island.

CAP. VIII.

An ACT for the more easy and effectual Trial of Criminal Offenders, also trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other Suit or Suits, of what nature or kind soever.

Preamble.

WHEREAS it is apprehended that the Trial of Criminal Offenders in the different Counties within this Island, where such offences shall or may be committed, perpetrated or done, will be, at present, attended with much inconvenience and delay, there not being in each County a sufficient number of inhabitants to compose a qualified Jury for the Trial of such Offenders, nor for the Trials of Property, or any other Suit or Suits—Wherefore, for the more speedy and effectual Trial of such Offenders, as also Trials of Property,

or any other Suit or Suits, of what nature or kind soever:

1. *Be it enacted, by the Governor, Council, and Assembly*, That from and after the Publication hereof, all and every Treason, Felony, Breach of the Peace, or other Criminal Offence, which shall or may be committed, perpetrated or done within this Island, or the Territories thereunto adjacent, shall and may be inquired of, heard and determined, and Execution awarded thereon, according to the Laws of that part of *Great Britain* called *England*, and of this Island, not repugnant thereto, in His *Majesty's Supreme Court of Judicature*, at *Charlotte-Town*, in the *Queen's County*, in the like manner as if the Island consisted of one County only, by good and lawful men of the *Queen's County*, aforesaid, or from any other County within this Island, jointly and separately, in like manner and form, to all intents and purposes, as if the said Treasons, Felonies, Breaches of the Peace, or other Criminal Offences, had been committed, perpetrated, or done in the *Queen's County* aforesaid, where they shall be so inquired of, heard, tried and determined as aforesaid, or within any other County in this Island; and also in like manner all and every Trial of Property, local and transitory action, or any other Suit or Suits, of what nature or kind soever, shall be conducted and had.

All Trials for criminal Offences to be inquired of and determined in the Queen's County.

by a Jury of the Queen's County, separately or jointly from the several Counties.

Trials of Property in the same manner.

And Whereas difficulties may occur in Trials of Treason, Felony, Breaches of the Peace, or other Criminal Offences, as also of all local as well as transitory Actions, with respect to the qualifications of Jurors summoned and returned on such Trials; for remedy, whereof,

Recital.

II. *Be it enacted, by the Governor, Council, and Assembly*, That from and after the Publication hereof, all persons, except such as by their respective Professions, Trades or Occupations, are exempted from serving on Juries by the Laws and Customs of that part of *Great Britain* called *England*, shall be, and they are hereby made liable to be

Description of Persons that may be summoned as Jurymen;

summoned, and returned Jurymen on all Trials of Treason, Felonies, Breaches of the Peace, or other Criminal Offences, of what nature or kind soever they may be; as also on all Trials of Property, whether local or transitory: *Provided* such Person or Persons, at the time of being summoned, and at the time of such Trial or Trials, shall or may be liege subjects of His Majesty, and Inhabitants, or Owners of Land within this Island; and all and every such Person or Persons so qualified, as aforesaid, shall not be subject to be challenged on account of the County or Shire where he or they may respectively inhabit or reside, nor for want of Freehold or other Property; but shall, nevertheless, for any other lawful cause shewn, be subject to be challenged; and, if the cause of challenge be adjudged sufficient, rejected, according to the Laws of that part of *Great Britain* called *England*, in like cases.

their Qualifications.

Not to be challenged on account of their County, nor for want of Freehold.

CAP. IX.

Repealed by 21st Geo. 3d, c. 5, s. 10.

An ACT impowering His Excellency the Governor, or other Commander in Chief for the time being, to direct the making of Public Roads, and to appoint Persons to carry the same into Execution.

CAP. X.

Repealed by 25th Geo. 3d, c. 9, s. 1.

An ACT prohibiting all Masters of Ships or Vessels, or any other Person, from transporting or conveying away any person or persons out of this Island, or the Territories adjacent thereto, without a License or Pass, except only such as are thereinafter excepted.

CAP. XI.

An ACT for the more easy and speedy recovery of Small Debts.

Repealed by 2d Will. 4th, c. 1, s. 1.

CAP. XII.

An ACT prohibiting the Sale (by Retail) of Rum, or other distilled Spirituous Liquors, without first having a License for that purpose, and for the due Regulation of such as shall be Licensed.

Amended by 25th Geo. 3d, c. 5, & 6th Geo. 4th, c. 8. Suspended by 11th Geo. 4th, c. 18. Repealed by 3d Will. 4th, c. 38.

CAP. XIII.

An ACT for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of St. John.

Repealed by 43d Geo. 3d, c. 2.

Anno Decimo Quarto Regis Georgii III.

1774.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Fourth day of October, Anno Domini, One Thousand Seven Hundred and Seventy-four, and in the Fourteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. being the First Session of the Second General Assembly, convened in the said Island.

W. PATTERSON Governor.

P. CALLBECK, President of Council.

R. STEWART, Speaker.

CAP. I.

An ACT for Licensing and Regulating FERRIES.

Made perpetual by 21st Geo. 3d, c. 2. Altered and amended by 9th Geo. 4th, c. 5. Repealed by 3d Will. 4th, c. 8.

CAP. II.

An ACT to prevent the Non-attendance of Members to serve in GENERAL ASSEMBLY.

Expired.

CAP. III.

Made perpetual by 21st Geo. 3d, c. 11. Amended by 57th Geo. 3d, c. 5. Repealed by 1st Geo. 4th, c. 3, s. 10.

An ACT for regulating the Measure of Boards, and all other Kind of Lumber; and for appointing Officers to Survey the same.

CAP. IV.

Repealed by 21st Geo. 3d, c. 5.

An ACT empowering His Excellency the Governor, or other Commander in Chief, for the time being, to direct the making of Public Roads, and to appoint Persons to carry the same into Execution.

CAP. V.

Repealed and re-enacted by 25th Geo. 3d, c. 4, s. 1.

An ACT laying an Imposition upon Retailers of Rum and other Distilled Spirituous Liquors.

CAP. VI.

Expired the 23d of February 1788.

An ACT for the purpose of making the whole of this Island One County.

CAP. VII.

Expired the 23d of February 1788.

An ACT for the better Regulation of the Proceedings of His Majesty's Supreme Court in Civil Suits, and concerning Bail.

CAP. VIII.

An ACT entitling People called Quakers to certain Privileges.

The Execution of this Act was suspended until approved of by His Majesty; and no such Approbation being had, it is not Printed.

Anno Decimo Sexto Georgii III.

1776.

At the General Assembly of His Majesty's Island of St. JOHN, begun and holden at Charlotte-Town, on the Fourth day of October, Anno Domini, One Thousand Seven Hundred and Seventy-four, and in the Fourteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and continued by prorogation until the Twenty-sixth day of June, One Thousand Seven Hundred and Seventy-six, and in the Sixteenth Year of His said Majesty's Reign, being the Second Session of the Second General Assembly convened in the said Island.

P. CALLBECK, President and Commander in Chief.

J. R. SPENCE, President of Council.

JOHN BUDD, Speaker.

CAP. 1.

An ACT for regulating FEES.

BE *it enacted, by the Commander in Chief, Council, and Assembly,* That no Officer, Clerk, or

No Officer or his Deputy to take greater Fees, than are by this Act allowed.

other Person whatsoever, who is or are respectively, in any manner whatsoever, entitled to receive or take any Fee or Fees, by Virtue of this Act, nor any Person or Persons whatsoever, acting by or under him or them, shall, from and after Fourteen days next ensuing the publication hereof, either directly or indirectly, receive or take of any Person or Persons whatsoever any greater or other Fee or Fees for his or their respective Services than is or are herein after expressed and allowed; that is to say—

His Excellency the Governor or Commander in Chief's Fees.

Fees of His Excellency the Governor or Commander in Chief.

	Sterling.		
FOR a Writ of Appeal to him in Council,	£0	10	0
For the Great Seal to every Grant, not exceeding One Thousand Acres,	0	10	0
For all Grants exceeding one Thousand Acres, for every Thousand Acres,	0	5	0
For a License of Marriage, and all other Licenses,	0	5	0
For a Certificate under his Hand and Seal,	0	10	0
For his Seal to a Register of a Vessel, or any other Matter,	0	5	0

Provincial Secretary's Fees.

Provincial Secretary's Fees.

FOR every Warrant, appointing any Person to an Employment,	0	5	0
Instructions of Office,	0	5	0
For every Grant passing the Seal of the Island, under One Hundred Acres,	0	9	0
Ditto, Ditto, above a Hundred Acres, until it comes up to Five Hundred Acres, at the rate of *Three Shillings* per Hundred Acres.			
Ditto, Ditto, from Five Hundred Acres to One Thousand, at *One Shilling* per Hundred,			
From One Thousand to Two Thousand,			

at *Sixpence* per Hundred; and so to continue for a greater Number,			
Entering a Certificate for Land,	0	1	0
Warrant of Survey,	0	2	6
Recording Acts, for the first side, *Three Shillings*, and for every after, *One Shilling*, Eight words to a Line, and Twenty eight Lines to a Side.			
Commission of Oyer and Terminer,	0	5	0
Every Commission for a Military Office, to be paid from the Public Revenue,	0	2	6
Every Writ for electing of Assembly Men,	0	6	9
For every Commission passing the Great Seal,	0	9	0

Private Secretary's Fees.

Private Secretary's Fees.

FOR drawing and presenting a Petition for a Town and Pasture Lot,	0	2	3
All Licenses under the Private Seal,	0	5	0

Clerk of the Council's Fees.

Clerk Of the Council's Fees.

FOR every Petition in Council,	0	2	3
For every Order in Council relating to a Private Person,	0	3	4½
For Reading every Matter in Council per side, relating to any private Person,	0	1	0
For Copy of any Matter from Council Records, per side,	0	1	0
For all Searches,	0	1	0

Speaker of the House of Assembly's Fees.

Fees of the Speaker of the House of Assembly.

FOR every Private Bill,	0	5	0
For every Private Enacting Clause,	0	2	0
If the Bill concerns a County, or Counties,	0	10	0
For every Warrant of Commitment, or Discharge, or Witness to attend, signed by the Speaker,	0	1	0

Clerk of the House of Assembly's Fees.

Clerk of the Assembly's Fees.

FOR entering every Petition,	0	2	0
For every Order,	0	2	0
For every Copy of Ditto,	0	2	0
For every private Bill, the several Readings,	0	3	0
For breviating Amendments, interlocutory Orders, and other Proceedings,	0	1	3
For every private Enacting Clause,	0	1	0
For every Copy of a Motion in Committees appointed in private Matters, or of Committees in public Matters, taken out by any private Person,	0	1	0
For every Order of Commitment, or Discharge of any Person,	0	1	0
For Copies of all Petitions or other Matters out of the Journals, at the rate of *One Penny* for every Fifteen Words.			
For every Search in the Journals,	0	1	0
For engrossing Bills, at the Rate of One Penny for every ten Words,			
For every Hearing at the Bar, from each side,	0	1	0
For attending Committees of the whole House, or Grand Committees on private concern,	0	2	6
For preparing the Report and transcribing,	0	2	6
For reading at the Table, and interlining in the Journals,	0	1	0
A Report in private Matters, if long,	0	1	0
For swearing every Member,	0	1	0
N. B. The Clerk to find Stationary for the above Purposes.			

The Provost Marshal, or Sheriff's Fees, when acting as Serjeant to the House of Assembly.

Provost Marshal or Sheriff's Fees, when acting as Serjeant at Arms.

FOR taking a Member in Custody,	0	4	6
For travelling Charges, when ordered by the House, per Mile,	0	0	4

In the Court of Chancery.—Subpœna Office.

FOR every common Subpœna,	0	1	0	Fees of the Subpœna Office, in the Court of Chancery.
For every special Subpœna,	0	1	6	
Injunctions and all other Writs,	0	1	6	
Oath taken in Court,	0	1	0	
Filing any Proceedings,	0	1	0	
Entering an Appearance,	0	1	0	
A Docket,	0	1	0	
A Caveat,	0	1	6	
A Commission of Rebellion,	0	4	6	
All other Writs out of Chancery,	0	2	3	

Register, or Clerk of the Court's Fees.

FOR filing every Bill and Answer,	0	1	0	Register or Clerk's Fees.
Copy of Papers from the Office, at the rate of *One Penny* for every Fifteen Words,				
Attachments, &c. each,	0	2	3	
Writ of Inquisition, Bond and Attendance,	0	2	3	
A Commission,	0	2	3	
Decree,	0	2	3	
Copy, *One Penny* for every Fifteen Words,				
For a Dedimus,	0	2	3	
A Justicias,	0	2	3	
Money lodged in Court, per Pound,	0	0	6	
Entering an Order,	0	1	0	
Copy of Minutes of one Cause, one Day,	0	1	0	

In the Supreme Court—Chief Justice's Fees.

FOR taking Bail out of Court,	0	4	6	Chief Justice's Fees.
For Allowance of Writ of Error,	0	9	0	
Taxing every Bill of Costs, every Page,	0	2	0	
For acknowledging Satisfaction of a Judgment,	0	1	0	

Clerk of the Crown's Fees.

FOR drawing Indictment, if found,	0	2	3	Clerk of the Crown's Fees.
Every Submission,	0	2	3	

Every Cause continued by Traverse or otherwise,	0	1	0
Every Recognizance,	0	2	0
Discharging ditto,	0	1	0

Clerk of the Crown's Fees on other matters.

Clerk of the Crown's Fees on other matters.

EVERY Presentment proceeded on, to be paid by the Delinquent,	0	3	4
Crown Capias,	0	1	0
Certificate of administering State Oaths,	0	2	0

Clerk of the Court's Fees.

Clerk of the Court's Fees.

FOR every Writ and Seal,	0	1	0
An Affidavit for Bail, if drawn by him,	0	1	0
Filing every Precept, Warrant of Attorney, Appearance, Declaration, Plea, &c. for each,	0	1	0
For every Rule of Court,	0	1	0
Entering up Judgment,	0	2	6
Enrolling the same,	0	2	6
Every Execution,	0	2	0
Every Subpœna,	0	1	0
A Writ of Error, and entering thereon,	0	2	3
Continuing a cause to another Court,	0	1	0
Copies of all Papers, at the rate of *One penny* for every fifteen words,			
Taking Special Bail at Bar,	0	2	3
Receiving and filing Returns of Execution,	0	1	0
Searching the Records,	0	1	0
Certifying the Judgment, and the Seal of the Court,	0	2	3
If above Two Hundred Words, at the rate of *One penny* for every Fifteen Words, over and above the Two Hundred,			
For every Commitment from the Court, for Contempt or otherwise,	0	1	0
For every Warrant to levy Fines, to be levied with the Fine,	0	1	0
Minuting a Motion,	0	1	0

For all Money lodged in Court, *Six-pence* per Pound,			
Drawing and taking Recognizance,	0	2	3
Entering a Bond of Arbitration and Award, and entering upon Judgment thereon, *a Penny* for every Fifteen Words,			
For entry of every Verdict or Non-Suit,	0	1	0
For making up a Record for the Trial of an Issue, *One Penny* for every Fifteen Words,			
Every Writ of *Habere Facias Possessionem.*	0	2	0

Attorneys' Fees.

ISSUING of Writs for Ten Pounds or under,	0	1	0
Between Ten and Twenty Pounds,	0	1	6
From Twenty Pounds upwards,	0	2	3
Drawing Affidavits of Debts,	0	1	6
Drawing Declaration,	0	4	6
Special Declarations, that are of necessity long, from the Nature of the Cause, to be taxed by the Direction of the Court.			
Attending the Court on Trial, and arguing the Cause,	0	9	0
On Default,	0	4	6
Special Pleas in Abatement, Bar, Demurrers, Replication and Rejoinder, each,	0	2	3
Entering an Appearance,	0	1	0
Plea to the Issue,	0	1	0
Warrant of Attorney,	0	1	0
In real Action in Ejectment, or *Scire Facias,* filing the Writ, or Summons, Declaration and Copy,	0	6	0
Service to the Tenant in possession,	0	1	0
Preparing the Rule,	0	3	0
Affidavit of Service for the first person,	0	1	0
If any more in the same Cause, for each ditto,	0	0	6

Attorneys' Fees.

Motion and Rule for Judgment,	0	2	3
The *Habere*,	0	2	3

Provost Marshal or Sheriff's Fees.

Provost Marshal or Sheriff's Fees.

SERVICE of a *Capias* or marked Writ,	0	2	3
Service of Execution,	0	2	3
For levying, paying and receiving all Monies upon Execution to *Twenty Pounds*, *One Shilling* in the *Pound*; from *Twenty Pounds* to *Fifty*, *Six-pence*; from *Fifty Pounds* to *One Hundred*, *Three-pence*, and all above at *Two-pence*,			
For summoning a Jury, for every Trial where the Crown is not a Party,	0	2	3
Drawing and executing a Bail Bond, for every sum under *Twelve Pounds*, *One Shilling*; between *Twelve Pounds* and *Twenty*, *One Shilling* and *Three-pence*; between *Twenty pounds and Forty*, *One Shilling and Sixpence*; and all above, *Two Shillings*,			
Habere Facias, or Writ of Possession,	0	9	0
Speeding a Writ of Inquiry, and all Proceedings thereon,	0	4	6
Executing a Writ of Replevin,	0	2	3
Travelling per Mile, to be computed from the Place of Service, to the Court to which the Writ of Execution shall be returned, at the most; but in no case no more Miles to be paid for than he can actually make appear that he has travelled,	0	0	4

Provost Marshal, or Sheriff's Fees for Prisoners, until there is a Gaol Built.

Provost Marshal or Sheriff's Fees for Prisoners until there is a Gaol built.

EVERY Prisoner arrested upon a Civil Action, to pay for the first Night's Lodging,	0	1	6
For every other Night, while in Custody,	0	0	8

Coroner's Fees.

FOR serving a Writ, Summons, Execution, and travelling Charges; the same as is allowed the *Provost Marshal or Sheriff.*				Coroner's Fees.
Taking an Inquest, to be paid out of the Estate of the Deceased,	0	9	0	
And if no Estate, to be paid by the *Treasurer* of the Island,				
To the Foreman of the Jury,	0	2	3	Jurors' Fees on an Inquest.
To every other Juror,	0	2	0	
To be paid by the Coroner to them, which he is to receive in the same Manner as he does his own Fees.				

Petty Jurors' Fees, in Civil Causes.

TO each Juror in every Cause,	0	1	0	Jurors' Fees in Civil Causes.
To Jurors on Writs of Inquiry, in every Cause,	0	1	0	
Jurors on Special Juries, their Travelling Expences, &c. to be paid at the Discretion of the Court.				

Witnesses' Charges.

ATTENDANCE for each Cause, If more than one Day, to be paid at the rate of *One Shilling and Sixpence* per Day,	0	1	6	Witnesses' Charges.
For travelling Charges, *Three-pence* per Mile, to be computed from the place of his or her Residence, to the place of Trial and back again, upon his or her making it appear that he or she attended upon that Business only.				

Cryer's Fees.

FOR calling a Jury in a private Suit,	0	1	0	Cryer's Fees.
A Verdict,	0	0	6	
For every Oath sworn in Court,	0	0	4	

Every Bill brought into Court, or Exhibit,	0	0	4
Every Bail taken in Court,	0	0	6
Every Person who takes the Oath of Allegiance in Court,	0	1	0

Constables' Fees.

Constable's Fees.

ATTENDING a Jury for each Cause,	0	1	0
Service of a Warrant,	0	1	0
Travelling Expenses, to be computed from the Place where the Warrant is issued, to the Place of Service, and back again; and in no Case to be paid more Miles than he proves to have travelled, per Mile,	0	0	3

Jailer's Fees.

Jailer's Fees.

FOR turning the Key, for every Prisoner confined on all Civil Actions,	0	1	0
For Discharge of every Prisoner,	0	1	0
For turning the Key, for all Prisoners committed for Breaches of the Peace,	0	2	3
For Discharge of every such Prisoner,	0	2	3
Prisoners lying in the best Lodgings, to pay per Night, if found with Sheets and other Bedding, the Bed to be sheeted with clean Sheets once a Fortnight,	0	0	4
In case the Prisoner finds his own Bedding, per Night,	0	0	2
Prisoners lying in the worst Lodging, if found Bedding, and the Bed to be sheeted with clean Sheets once per month, to be paid per Night,	0	0	2
In case the Prisoner finds his own Bedding, per Night,	0	0	1
In case the Prisoner chooses to have a Bed to himself in the best Lodging, to pay per Night, if found Bedding,	0	0	6
If the Prisoner finds his own Bedding, per Night,	0	0	3

Every Prisoner that goeth abroad with the Keeper, to pay per Day,	0	1	0
If the Keeper finds his own provisions, per day,	0	1	8

Court of the Probates of Wills.—Judge's Fees.

Judge of Probate's Fees.

FOR granting Administration and Bonds, for every Sum under Ten Pounds,	0	3	0
For every Probate, Ten Pounds, or under,	0	2	3
For granting Administration and Bond, from Ten to Twenty Pounds,	0	4	6
For every Probate from Ten to Twenty Pounds,	0	3	6
For granting Administration and Bond, from Twenty to Thirty Pounds.	0	5	6
For every Probate from Twenty to Thirty Pounds.	0	4	6
For granting Administration and Bond, from Thirty to Fifty Pounds,	0	6	0
For every Probate from Thirty to Fifty Pounds,	0	5	0
For granting Administration and Bond, from Fifty Pounds and upwards,	0	7	0
For every Probate for Fifty Pounds and upwards,	0	6	0
For every Citation,	0	2	3
For every Caveat,	0	1	0
For every Oath,	0	1	0
Every Warrant of Appraisement,	0	2	0
Examining every Exhibit,	0	1	0
Letters, *ad Colligendium*,	0	9	0
Definitive Decrees upon Estates under Fifty Pounds,	0	4	6
Attendance upon the same, if above one Day, for every Day exceeding, at per Day,	0	4	6
For allowing of Appeals, and transmitting of Papers, relative to them, and for all Expenses attending the same,	0	4	6

Register's Fees.

Register's Fees.

FOR registering Letters of Administration for every Sum under Ten Pounds,	0	2	6
For registering a Will of the same Sum, and Copy of ditto, at the Rate of *One Penny* for every Twenty Words,			
For registering all Probates, Ten Pounds, or under,	0	1	6
For registering Letters of Administration, for every Sum between Ten and Twenty Pounds,	0	3	0
For registering a Will, the same Sum, and Copy of ditto, at the Rate of *One Penny* for every seventeen Words,			
For registering all Probates for the same Sum,	0	2	0
Letters of Administration, from Twenty to Thirty Pounds,	0	3	6
A Will for the same Sum, and Copy of ditto, at the Rate of *One Penny* for every Sixteen Words.			
A Probate for the same Sum,	0	2	6
Letters of Administration, from Thirty to Fifty Pounds,	0	4	0
A Will for the same Sum, and Copy of ditto, at the rate of *One Penny* for every Fourteen Words.			
A Probate of the same Sum,	0	3	0
Letters of Administration, from Fifty Pounds and upwards,	0	5	0
A Will from Fifty Pounds and upwards, and Copy of ditto, at the Rate of *One penny* for every Twelve Words.			
A Probate from Fifty Pounds and upwards,	0	4	0
Definitive and Interlocutory Decrees upon Estates under Fifty Pounds,	0	1	0
Ditto, for all above,	0	2	0
For his Attendance in Court, per Day,	0	2	3
For his Attendance with Records, per Day,	0	2	3

For every Search,	0	1	0
Copies of all Writings, at the Rate of *One Penny* for every Fifteen Words.			

Apparitor's or Marshal's Fees.

Apparitor's & Marshal's Fees.

FOR serving every Citation in Town,	0	1	0
For serving every Decree, or Citation whatsoever, in the Country, *Two Pence* per Mile, for travelling Expenses, reckoning from the Court to the Place of Service, and back again.			
For every Sentence,	0	1	0
If his Attendance for the same be more than one Day, per Day,	0	2	6

Appraisers' Fees.

Appraisers' Fees.

TO be paid when employed, at the Rate of *Four Shillings* and *Six-pence* per Day, but not to be obliged to meet on any Business under *One Shilling* each.

Travelling Expenses, *Three-pence* per Mile, to be computed from the Place of their Residence to where they are employed, and back again.

Justice of the Peace's Fees.

Justice of Peace's Fees.

FOR taking an Affidavit or Examination,	0	1	0
Warrants,	0	1	0
Recognizance,	0	1	0

Notary Public's Fees.

Notary Public's Fees.

FOR noting Bills for Non-acceptance,	0	1	0
For every Protest,	0	3	6
For every Certificate under Seal of his Office,	0	2	3
For registering Protests, and other Writings, at the Rate of *One Penny* for every Fifteen Words.			

Surveyor General's Fees.

Surveyor General's Fees.

FOR the Survey of each Town and Pasture Lot, together,	0	9	0
For surveying of Lands, for himself, per Day, to be computed from the day he leaves his own House, to the Day of his Return, no unnecessary Time to be allowed,	0	10	6
One Chainman to be allowed the Surveyor; if found Provisions, to have, per Day,	0	2	0
In case he finds himself, to have, per Day,	0	3	0
The Employer to Find the other Attendants.			
Every Search in his Office,	0	1	0
Every Certificate,	0	1	0
Except for the Town and Pasture Lots, for which there is to be no Charge of Certificate.			
For a Plan of every Survey under One Hundred Acres,	0	2	6
Every Plan between one Hundred and one Thousand Acres, at the Rate of *Three Pence* per Hundred, and all above at the Rate of *One Penny* per Hundred Acres.			
The Person employing him to choose the Scale he will have the Plan drawn upon, he paying for Paper.			
For drawing every Plan of a Township, copied from the original Survey,	0	4	6
If done upon a larger Scale than the original Survey, for each,	0	9	0
Persons who employ to pay for Paper.			

Particular Officers to hang up in their Offices a List of their Fees.

II. *And be it further enacted*, that each and every of the Officers, Clerks, and other Persons before mentioned, as also all others acting by, or under him or them, who from the nature of their respective Appointments do keep, or ought to

keep, a Public Office for the purpose of executing their several Trusts, shall cause to be posted up, in some conspicuous part thereof, a List drawn out in words at full length, of the several Fees, appertaining to his or their Office or Offices; there to remain and to be resorted to by all Persons interested therein, or who shall or may be desirous to inspect the same.

Particular Officers required to give an Account of the Charges made against any Person applying for the same.

III. *And be it further enacted,* That all and every the Officers, Clerks, and Persons before mentioned, and others acting by or under him or them, except his Excellency the Governor, or other Commander in Chief, who shall or may in any manner enjoy any of the aforesaid Offices or Trusts, are hereby required, upon application made therefor, to give to the Person so applying, as soon as the same may be conveniently done, an Account of such Fee or Fees as shall or may be charged for the aforesaid respective Services; the said Account to be in words at full length, and signed by such Officer, Clerk, or other Person, or by the Person or Persons employed by or under him or them, if the same shall be demanded by the person so applying.

Officers refusing to give such Account, to forfeit the sum of Five Pounds.

IV. *And be it further enacted,* That all and every the said Officers, Clerks, or other Persons, and all Persons acting by or under him or them, who shall refuse to give and deliver to the Person applying therefor such Account as is herein before directed, shall, for each and every Offence, forfeit and pay to the party aggrieved the Sum of *Five Pounds.*

No Officer to take larger Fees than herein limited,

V. *And be it further enacted,* That if any Officer, Clerk, or other Person whatsoever, or any Person or Persons employed by or under him or them respectively, shall charge, demand, or take any other or greater Fee or Fees than is herein before mentioned and allowed, he or they, so offending, shall, for each and every such Offence, forfeit and pay to the Party or Parties from whom he or they shall or have so charged, demanded, or received the same, the sum of *Five pounds,* over and above the amount of the Fees which shall have been so as aforesaid illegally charged, demanded, or taken.

For every Offence, to forfeit the Fees demanded or received, and Five Pounds;

to be recovered in the Supreme Court, with treble costs.

VI. *And be it further enacted,* by the authority aforesaid, That each and every the Person or Persons before mentioned, who shall offend against this Act, or any part thereof, shall, for each and every such Offence, forfeit and pay to the Party thereby aggrieved the Sum of *Five Pounds;* to be recovered, with treble Costs of Suit, in His Majesty's Supreme Court of Judicature, where no Essoin, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Action to be commenced within Six Months after Offence.

Provided Nevertheless, such Action or Suit shall be commenced within Six Months next from the Time when such Offence shall or may have been committed.

CAP. II.

Repealed by 2d Will. 4th, c. 1.

An ACT, in addition to, and amendment of an Act, made and passed in the Thirteenth year of his present Majesty's Reign, intituled "An Act for the more easy and speedy recovery of Small Debts.

CAP. III.

Repealed by 3d Will. 4th, c. 27.

AN ACT to prevent Trespasses upon Crown Lands.

CAP. IV.

An ACT to confirm, and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the Twenty-fifth day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-five, to this present Session of Assembly.

Preamble.

WHEREAS the said Supreme Court of Judicature has, from Time to Time, agreeably to, and by Virtue of, an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled "*AN ACT* for establishing the "times and places of holding the said Supreme "Court of Judicature," sat and adjourned for the Purposes therein mentioned:

And Whereas the said Court, on the said twenty-fifth Day of July, was continued from that Time, by Adjournment, to the third Tuesday in February then next following, as prescribed by the said herein before recited Act:

And Whereas in the month of November last, the Capital of this Island was invaded by two Provincial Privateers, who, among other wanton Depredations, made Prisoners of, and carried away the then and present Commander in Chief, the Surveyor General of the Island, and most of the Effects belonging to the former; as also several of the public, as well as his private Papers, together with many of the Records of the said Supreme Court of Judicature, the Public Seal of this Island, His Majesty's Commission, and divers other necessary and valuable Papers and Effects belonging to this Colony: by reason whereof, and more especially as, at or about that time, a Chief Justice, appointed by His Majesty to this Island, arrived therein, who, on account of the distracted state of it, occasioned as aforesaid, could not procure his Commission as directed by His Majesty's Royal

Order; by Means of which unfortunate events the said Supreme Court of Judicature did not sit on the said third Tuesday in February, for the Dispatch of the Business thereof, agreeable to the Adjournment as prescribed in and by the said herein before recited Act:

And Whereas, notwithstanding there have been many and various Proceedings had in said Court; and in order to expedite Justice, the said Court, agreeable to said Act, did sit on the last Tuesday (being the twenty-fifth day) of June last, and proceed upon such Business as was then ready, and adjourn to the third Tuesday in February next, according to the Requisition of said Act:

And Whereas Doubts have since arisen as to the Legality of such Proceedings, on account of the said Court not having been continued over from last February:

All Writs, Pleas, &c. saved and held good and effectual in Law.

Be it therefore enacted by the Commander in Chief, Council and Assembly, That all Writs Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments, Orders, and Sentences, given or awarded, of and concerning any Matter or Thing whatsoever, which was sued or prosecuted to Judgment, or otherwise, in the said Supreme Court of Judicature, at any Time or Times from and after the said twenty-fifth day of July, to the End of this present Session of Assembly; and the present Adjournment of said Court shall be deemed, construed, and taken to be good and effectual in the Law, to all intents and purposes whatsoever: Provided Always, that nothing herein contained shall extend, or be construed to extend, to take away such Errors in Law, as shall or may have arisen upon the misusing of Process, Mispleadings, and erroneous rendering of Judgments in the said Supreme Court; but that in all such Cases the Parties aggrieved may have their Writ of Error upon such erroneous Judgments, any thing herein contained to the contrary in any wise notwithstanding.

Proviso, that this Act does not extend to take away Errors in Law, arising from misusing of Process, &c.

The parties aggrieved thereby may have Writ of Error.

CAP. V.

An ACT in addition to, and amendment of two Acts made and passed in the Thirteenth and Fourteenth Years of His present Majesty's Reign, severally entitled "An Act empowering his Excellency the Governor, or other Commander in Chief for the Time being, to direct the making of Public Roads, and to appoint Persons to carry the same into Execution.

Repealed by 21st Geo. 3d c. 5.

CAP. VI.

An ACT for continuing sundry Laws that are near expiring.

Expired.

Anno Decimo Nono Regis Georgii III.

1779.

At the General Assembly of His Majesty's Island of St. JOHN, begun and holden at Charlotte-Town, on the Eighth day of October, Anno Domini One Thousand Seven Hundred and Seventy-nine, and in the Nineteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. being the First Session of the Third General Assembly convened in the said Island.

T. DESBRISAY Lieutenant Governor.

P. STEWART, President of Council.

D. HIGGINS. Speaker.

CAP. I.

An ACT for continuing sundry LAWS that are near expiring.

Expired.

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CAP. II.

Continued for four Years, and until the End of the then next General Assembly 21st Geo. 3d, c. 2, s. 4.

An Act for imposing a Duty of Four Pence per Gallon on Rum, and other Spirituous Liquors, and for regulating the Conduct of Tavern-Keepers, and for altering and amending an Act made and passed in the Thirteenth Year of His present Majesty's Reign, imposing a Duty on Retailers of Rum, and other distilled Spirituous Liquors.

CAP. III.

Expired.

An ACT for regulating Weights and Measures, and the Conduct of Store-Keepers.

Anno Vicesimo Regis Georgii III. 1780.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Eighth day of October, Anno Domini One Thousand Seven Hundred and Seventy-nine, and in the Nineteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation until the Thirteenth day of March, One Thousand Seven Hundred and Eighty, and in the Twentieth Year of His said Majesty's Reign; being the Second Session of the Third General Assembly convened in the said Island.

W. PATTERSON, Governor.

T. DESBRISAY, President of Council.

W. BERRY, Speaker.

CAP I.

An ACT to prevent FORESTALLING the MARKET. Expired.

CAP. II.

Expired the 26th of April, 1785.

An ACT to explain and amend an Act of the Fourteenth Year of His present Majesty's Reign, intituled "*An Act laying an Imposition on Retailers of Rum and other distilled Spirituous Liquors.*"

CAP III.

Expired.

An ACT empowering the Justices of the Peace for this Island to inquire into and regulate the Prices of all sorts of Provisions, and the Rates of Entertainment in Public Houses, or Inns.

CAP. IV.

Made perpetual by 21st Geo. 3d, c. 11. Disallowed by His Majesty in Council, 29th of June 1781.

An ACT ascertaining the Privileges of the Members of the General Assembly, their Servants, and the Mode of General and partial Elections, &c.

CAP. V

Amended and made perpetual by 21st Geo. 3d, c. 11.

An ACT for preventing the running at large of Stone-Horses or Stallions, and for the killing of Partridges at improper Seasons.

Preamble.

WHEREAS the improving the Breed of Horses is of great Importance to this Island; and as the same has been degenerating for some time past, occasioned by the general and uninterrupted Custom of allowing Stone-Horses, or Stallions, exceeding one Year old, to roam about at large: For remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, no Stone-Horses, or Stallions, exceeding one Year old, shall be allowed to roam at large between the fifteenth day of *March* and the first day of *November* in each and every Year, under the Penalty of *Twenty Shillings* for each Offence.

Stone-Horses above 1 Year old found running at large between 15th March, and 1st of November yearly, Owners subject to a Penalty of Twenty Shillings.

II. *And be it further enacted,* That it shall and may be lawful for any Inhabitant of this Island, who may find any Stone Horse or Stone Horses, Stallion or Stallions, exceeding one Year old, roaming at large, within the Time above limited, to impound or confine the same: And as soon as the Proprietor or Proprietors of such Stone Horse or Stone Horses, Stallion or Stallions, can be conveniently notified of such Impounding or Confinement, the Person or Persons, so Impounding or confining, is or are hereby required to give such Notice to him or them respectively: And if the said Proprietor or Proprietors do not thereupon, as soon as may be, take away all such Horses or Stallions, that then, and in such case, the Person or Persons who shall or may Impound or confine the same shall have full Remedy, by applying to any one of His Majesty's *Justices of the Peace* in this Island, who is hereby empowered, upon Proof being made to his Satisfaction of the said Offence, to grant a Warrant to levy by Distress and Sale made of the Goods and Chattels of the Proprietor of such Horse or Stallion, to the amount, in Money, of the above mentioned Penalty, and also such Damages as may have been sustained, with Costs of Suit; one Half of the said Penalty to be paid to the Informer or Prosecutor, and the other Half to be applied to the use of His Majesty's Government in this Island.

Any Inhabitant authorized to seize and Impound, &c. all Stone-Horses roaming at large within the Time above.

Persons impounding, &c. to give Notice thereof.

Proprietor of Horse neglecting after Notice, to take him away,

any Justice of Peace, upon due Proof, to grant Warrant, and levy, by Distress, Penalty; as also Damages, with Costs.

Application of Penalty.

And Whereas the Killing of Partridges in the pairing and hatching Season, and before they can fly, has greatly reduced the Breed of that useful Bird, and endangers a total Loss of the same: to prevent which,

Preamble.

No person to kill, &c. Partridges between 1st of April and 1st August yearly, under penalty of 10s.

Extended to 1st September by 21st Geo. 3d, c. 11.

III. *Be it enacted, by the authority aforesaid,* That from and after the Publication hereof, no Person or Persons whatever shall presume to shoot, kill, or destroy any Partridge or Partridges, between the first Day of *April*, and the first Day of *August* in each and every Year, under the Penalty of forfeiting the Sum of *Ten Shillings* for each Partridge so shot or killed.

Any Justice of Peace, upon due proof, to issue his Warrant of Distress for levying penalty, with Costs.

IV. *And be it further enacted;* That any One of His Majesty's *Justices of the Peace* is hereby empowered and required, upon Proof being made to his or their Satisfaction, of such shooting or killing any Partridge or Partridges, to issue his or their Warrant, or Warrants, for the levying, by Distress and Sale of the Goods of such Offender or Offenders, to the amount of said Penalties, with Costs of Suit; one Half of which Penalties to be paid to the Informer, and the other Half to be applied to and for the Use of His Majesty's said Government.

Application of penalty.

Limitation.

V. *And it is hereby declared,* That this Act shall continue and be in Force for the space of Three Years next after the Publication hereof, and to the End of the then next Session of the *General Assembly* of the Island, and no longer.

CAP. VI.

Made perpetual by 21st Geo. 3d, c. 11.
Repealed by 3d Will. 4th, c. 27.

An ACT for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the Running of Hogs at large through the Town of Charlotte-Town.

Anno Vicesimo Regis Georgii III. 1780.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Eighth day of October, Anno Domini One Thousand Seven Hundred and Seventy-nine, and in the Nineteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation until the Third day of July, One Thousand Seven Hundred and Eighty, and in the Twentieth Year of His said Majesty's Reign; being the Third Session of the Third General Assembly convened in the said Island.

W. PATTERSON, Governor.

T. DESBRISAY, President of Council.

W. BERRY Speaker.

CAP I.

An ACT for the establishing and regulating a Militia.

Preamble.

WHEREAS the Security and Preservation of this Island at all Times, and especially during the Continuance of the present War and unhappy Rebellion, greatly depends upon a Militia being established and embodied, as soon as possible, under such Regulations as may make the same most useful for the Support and Defence thereof, and that the Inhabitants should be well armed, and properly trained up in the Art Military, as well for the Honour and Service of His most Sacred Majesty, and the security of this His Island, against any hostile Attack or Invasion whatsoever, as for the Preservation of their own Lives and Fortunes; and that every Person may know his Duty herein, and be obliged to perform the same:

From one Month after Publication, all Male Subjects between 16 and 60, to bear arms and attend military Musters, &c. of Companies in which they are enrolled.

I. *Be it enacted, by the Governor, Council, and Assembly,* That from and after one Month next from the Publication hereof, all Male Persons, Planters, and Inhabitants, and their Servants, between the Ages of Sixteen and Sixty, residing in, and belonging to this Island, shall bear Arms, and duly attend all Musters and military Exercises of the respective Companies, in which they shall or may be enrolled or belong.

Repealed by 3d Will. 4th, c. 30, s. 1.

II. And the Clerk of each Company, once a Quarter, yearly, shall take an exact List of all Persons living within the Precincts of such Company, and present the same to the Captain or Chief Officer, on Pain of forfeiting *Twenty Shillings* for each Default, to be paid to the Captain or Chief Officer for the Use of the Company; and in case of Non-payment, the same to be levied by Distress and Sale of the Offender's Goods, by Virtue of a Warrant from any Justice of the Peace in this Island, who is hereby empowered to grant the same.

III. That every Person enrolled in any Company shall so continue and attend all Duty therein, or suffer the Penalty by Law provided, until orderly dismissed or removed out of the Town or Precinct of such Company; and in case of removal into the Precinct of another Company, to produce a Certificate under the Hand of the Captain or Chief Officer of the Precinct whereunto he is removed, that he is enrolled there.

Persons enrolled in Company, to do duty therein, until orderly dismissed, &c. on Penalty by Law provided.

In case of removal into the Precinct of another Company, to produce Certificate.

IV. If any Person, liable to be enrolled as aforesaid, do attempt to exempt himself from such service, by shifting from House to House, or Place to Place, with Intent to avoid his being so enrolled, he shall pay, as a Fine for every such Offence, to the use of the Company to which he properly belongs, *Ten Shillings*, on being thereof convicted before any of His Majesty's Justices of the Peace for this Island.

Persons liable to be enrolled, who attempt to evade Service, to be fined 10s.

Mode of Recovery.

V. *Provided*, That every enrolled Militia-man, and other House-Holder residing as aforesaid, shall be always provided with proper and sufficient Fire-arms, consisting of a Musket, Gun, or Fuzee, the same to be not less than three Feet long in the Barrel; two spare Flints, and twelve Charges of Powder and Ball suitable to their respective Fire-arms, and to the satisfaction of the Commissioned Officers of the Company to which he belongs; on Penalty of forfeiting *Ten Shillings* for want of such Arms as are hereby required, and *Five Shillings* for each other defective Appurtenant, and the like Sum for every four Weeks he shall so remain unprovided or deficient; the Fine to be paid by Parents for their Sons under Age, and under their command, and by Masters or Heads of Families, for their Domestics or Servants (other than Servants upon Wages)—the same to be levied on the Goods and Chattels of the Offender or Offenders, their Parents or Masters, by Warrant under the Hand and Seal of one or more of His Majesty's Justices of the Peace for the said Island.

This and the following section repealed by 3d Will. 4th, c. 30.

VI. That all regimental Musters shall be made once in every six Months, if required by the *Gov-*

Repealed.

ernor or Commander in Chief of this Island for the Time being; and every Captain or Chief Officer of any Company or Regiment shall be obliged, on Penalty of forfeiting *Fifty Shillings*, to draw forth his Company, or cause the same to be drawn forth, at least once in every six Months, or as often as he shall receive Orders for that purpose from the Officer Commanding any Regiment of Militia, or any other Corps or Body of Militia, who are required to give Orders accordingly, and to appoint the different Times that will best suit with the conveniency of the People, and give the least Interruption to their labour and Industry; and upon their being so drawn forth, they are to be exercised in Motions, the Use of Arms, and shooting at Marks, or other Military Exercises, which every Person, liable to be trained, and having Six Days Notice thereof, and not appearing and attending the same, shall, for each Day's Neglect, forfeit and pay a Fine of *Five Shillings*.

Commissioned Officers of Companies to punish Disorders, by Commitment for a Time, not exceeding 48 hours, or a Fine of 5s.

VII. That the Commissioned Officers of any Company, or the major part of them, may order the correcting and punishing Disorders and Contempt committed while on Duty; the said Punishment not being greater than Commitment for a time not exceeding *Forty-eight Hours*, or the Payment of *Five Shillings* as a Fine.

Military Watches appointed by the Governor,

VIII. That there be Military Watches appointed and kept at such Times, in such Places, in such Numbers, and under such Regulations, as the *Governor, or Commander in Chief* of this Island, for the time being, shall appoint; and that all Persons, able of Body, and who are of Age, shall themselves, or by some proper Person in their stead, to the Satisfaction of the commanding Officer of the Watch, attend the same, on Penalty of forfeiting *Five Shillings* for each Neglect, there having been due Warning previously given.

All Persons of age to attend the same, on penalty of 5s.

Persons neglecting to attend Military Exercises, &c. & who shall

IX. Every enrolled Militia-man, or other Person liable by Law, refusing or neglecting to attend Military Exercises, on training Days, or to perform Military Watches, and who shall not Pay,

nor have any Estate to be found whereon to levy the aforesaid Fine, shall and may be subject to the Power of the Captain or Chief Officer of such Company, and he is hereby empowered, on the next training Day after such Neglect (he not having satisfied the Clerk), to punish him for such Offence, by Commitment not to exceed *Five Days:* And if such Delinquent shall absent himself the second Day, without making sufficient Excuse to the Chief Officer for such his Absence, the Captain or Chief Officer of the Company may thereupon direct a Warrant to any of the Constables of this Island, requiring him to apprehend such Delinquent, and to bring him to the Field, there to be punished as by this Act is permitted and directed. And all Constables are hereby required to execute such Warrants accordingly.

not pay the above Fine, or have any Estate whereon the same may be levied, liable to

Commitment for Five days.

Persons absenting the second Day, a Warrant for his apprehension to be issued by the Captain, and directed to any Constable, who is required to execute the same.

X. That the Persons hereafter named be exempted from all Trainings (except such as shall voluntarily receive Commissions in the Militia) viz. the Members of His Majesty's Council, the Members of the Assembly, the Chief Justice and other Justices of Courts, Justices of the Peace, Attorney-General, Treasurer of the Province, Register of the Province, Chief Surveyor of Lands, Naval Officer, the Secretary, Ministers, Provost Marshal, Field Officers, the Collector and Surveyor of His Majesty's Customs, and the Waiter, constant Ferryman, one Miller to each Grist-Mill, constant Herdsmen, and lame Persons, or otherwise disabled in Body, producing Certificates thereof from one or two neighbouring Justices of the Peace, or from Two able Physicians or Surgeons.

This and the following section repealed by 3d Will. 4th, c. 30.

XI. That the Members of His Majesty's Council be, and they hereby are, exempted from Military Watches and Wardings.

Repealed.

XII. That the Captain and Commissioned Officers of each Company shall, and they are hereby fully empowered to nominate and appoint proper Persons to serve as Sergeants and Corporals in their respective Companies, and to displace them and

Commissioned Officers empowered to appoint and displace Sergeants and Corporals.

appoint others in their room, as they shall or may see occasion.

Sergeants and Corporals appointed as above, and who refuse to serve, shall be subject to a Fine of 40s.

XIII. That all Persons who shall or may be so nominated and appointed to serve as Sergeants, or Corporals, and who shall refuse to serve in such capacity, shall be subject to pay a Fine of *Two Pounds;* and thereupon others shall be chosen or appointed in their Room, and so on, until proper Persons are nominated who shall accept of their Appointment.

Sergeants and Corporals appointed as above, and who neglect their duty, &c. shall forfeit for each offence, 10s. or be Committed for 24 hours.

XIV. *And be it further enacted,* That if any Sergeant or Corporal appointed as aforesaid shall be guilty of any Neglect of Duty, or be drunk, or disorderly while on Duty, he shall forfeit and pay, for each and every Offence, the sum of *Ten Shillings,* or be committed for *Twenty-four Hours:* which Fines shall or may be recovered and applied in the same Manner as is herein after directed for a Person refusing to serve as a Clerk.

Manner of recovery, and application.

This section repealed by 3d Will. 4th, c. 30.

XV. That twice every Year, if thereto required, each Captain or Chief Officer of a Company shall give order for a diligent Inquiry into the State and Condition thereof, and for taking an exact List of all the Names of his Soldiers, and other Inhabitants within the Limits or District of his Company, and of the Defects of Arms and Ammunition to be furnished as herein after mentioned, together with the Names of the delinquent Persons, to the end that they may be prosecuted according to Law, and that such Measures may be taken as are adequate to the remedy of the evil.

All Persons attending their Duty at places of Muster, shall be exempted from all Arrests in civil Causes during the time of their going to or coming from the Place of Muster.

XVI. *And be it further enacted,* That all Persons who shall attend at Places of Muster, in order to be trained and instructed in Military Discipline, shall be, and they are hereby declared to be, exempted and free from all Arrests in civil Causes, as well while going to such place of Muster, as while they may be there, or coming from thence, during the Space of Twenty-four Hours, the same to be allowed for the Time and Continuance of such Muster.

XVII. That such Person as by the Commissioned Officers of any Company may be appointed Clerk, and refuses to serve in that Capacity, shall pay *Forty Shillings* Fine, and another be chosen in his Room, and so on, till one do accept or consent to execute that Duty; and which Person, so accepting or consenting, shall be under Oath for the faithful Discharge of his Duty in said Office, the same to be administered unto him by a Justice of the Peace of the County, in Words following, viz.

Person appointed Clerk of any Company, and who refuses to serve, shall pay 40s. Fine.

Persons serving shall be sworn to faithfulness in Office.

Oath to be administered by a Justice of the Peace.

"YOU do swear truly to perform the Office of Clerk of the Militia Company, under the command of A—. B—. Captain, to the utmost of your Skill and Power, in all things appertaining to your Office, according to Law. So help you God."

Form of Oath.

And for every Distress made for any Fine not exceeding *Forty Shillings*, the said Clerk shall have one quarter part thereof for his Pains and Trouble; and for the levying and recovering such Fines, he may make Distress for, *ex Officio:* The said Distress to be made subject to such rules as the Law hath provided in other Cases; and after Ten Day's Notice for that Purpose, he shall pay the Captain or Chief Officer all such Fines as he shall or may have received, his own part being deducted therefrom.

Clerk's Allowance for levying Fines.

After Ten Days Notice shall pay Overplus of all such Fines (received by him) to the Captains, &c.

XVIII. The Chief Officer of the Regiment, as often as he may see cause so to do, shall require the Captain or Chief Officer of each Company in his Regiment to meet at such time and place as he shall or may appoint, and there to confer with them, and to give in Charge such orders as shall by them, or the major part of them, be judged meet, for the better ordering and settling their several Companies, and for the more effectually promoting military Discipline amongst them. And the said Chief Officer is hereby empowered, by virtue of his Warrant, directed to any Clerk or Officer of his

Chief Officer of Regiments shall require Captain, &c. of each Company in his Regiment to meet and confer, and give in charge such Orders, as may be judged necessary by a Majority of them present.

Chief Officer empowered to summon, or cause to be brought before him, any Offend-

er against this Act, and after hearing, to determine according to Law, or award Mittimus or Warrant of Distress, directed to the Clerk of the Company where Offence shall be committed, & for levying, if above 40s. is to receive thereout 10s.

Regiment, to summon, or cause to be brought before him, any Offender against this Act, and, according to Law, to hear and determine all Matters proper for their cognizance, and to give Sentence, and to award Mittimus, or Warrant of Distress, to the Clerk of the Company where the Offence shall or may be committed: For executing which Warrant, if for levying above *Forty Shillings*, he shall have *Ten Shillings*, out of the same, for his pains and trouble therein, and no more.

No Clerk to make Distress, *ex Officio*, for any Fines, until 6 Days after Offence committed.

Clerk neglecting &c. to pay Fines as by this Act is required, shall be subject to Distress, by Warrant of Chief Officer of Company to which he belongs, the same to be directed to any Constable.

XIX. That no Clerk, *ex Officio*, make Distress for any Fine until Six Days next after the Offence shall have been committed, in order that the Party may have opportunity to make Excuse, if any he hath, why he should not pay the Fine. And all such Clerks neglecting or refusing to account, or make payment, as by this Act is required, shall be subject to Distress to the full amount of what they ought to have collected, by Virtue of a Warrant from the Chief Officer of the Company, directed to any Constable.

This section repealed by 3d Will. 4th, c. 30.

XX. That all Officers do yield Obedience to the Warrant or Command of his or their superior Officers, on Penalty of forfeiting the Sum of *Five Pounds*, the matter to be heard and determined at the next meeting of the Chief Officers and Captains of the Regiment; and the Fine to be levied by Distress and Sale of the Offender's Goods (returning the Overplus if any there be), by Virtue of a Warrant from the Chief Officer of the Regiment, directed to the Clerk of the Company to which such offending Officer belongs, and to be applied to the Use and Benefit of such Company as the Majority of the Officers so met shall direct, their expenses being first deducted out of the same, the whole whereof are not to exceed *Twenty Shillings*.

Alarm how to be made at Charlotte-Town

XXI. That any Alarm which may be given or made at *Patterson's Battery*, in *Charlotte-Town*, upon such occasions as are agreeable to Instructions to be given by the *Governor*, or *Commander in Chief*, for the Time being, to the Officer com-

manding at the said Battery, shall be by setting on Fire or lighting a Beacon at the Summit of the Hill of *Queen's Street*, or at such other Place as the Governor, or Commander in Chief for the time being, shall or may hereafter appoint for that purpose; and by firing two Guns distinctly at the said Battery, or at such other Place or Places as the Governor or Commander in Chief for the Time being, shall or may appoint for the aforesaid purpose; as also by firing two Guns in like manner at the *Tartar's Wharf*, the same to be so fired at the space of five Minutes after the firing the aforesaid Guns at the Battery, or at such other Place as may be appointed as aforesaid; and thereupon all the Trained Officers, Soldiers, and other Persons able to bear Arms, who shall or may be then resident in the said Town, or the Suburbs thereof, (in Case of such Alarm) shall forthwith appear complete with their Arms and Ammunition, according to the directions of this Act, at such Place or Places of Rendezvous as may, from time to time, be appointed by the Governor, or Commander in Chief for the time being; there to attend such Commands and Orders as shall or may be given for His Majesty's Service, on Penalty of forfeiting the Sum of *Five Pounds*, or suffering *Three Months* Imprisonment. And the *Members of His Majesty's Council, Justices of Peace*, and *Provost Marshal*, are hereby required to attend upon the *Governor*, or *Commander in Chief*, if he or they should be then at *Charlotte-Town*; but if he or they should happen, in case of such Emergency, to be at any other Place or Places in this Island, then to appear there, and advise with the Chief Military Officers of such Place or Places where such alarm may be made, and to be assisting in His Majesty's Service, according to their Quality and Rank.—And all Persons wilfully making false Alarms shall be fined to His Majesty in the Sum of *Fifty Pounds*, for the Support of His Government, or suffer *Twelve Months* Imprisonment. And all alarms which shall or may be made in other parts of this Island

Penalty of 5*l.* or suffering three Months imprisonment, for not appearing upon Alarm.

Members of Council &c. to attend the Governor, &c.

Penalty of 50*l.* or suffering 12 Months imprisonment, for making false Alarm.

Alarm how to be made at other

Parts of the Island.

shall be made according to the Instructions given by the Governor or Commander in Chief for the time being, to the Officers commanding there.

Relief for Persons adventuring themselves Militia Men, in defence of the Island upon any invasion.

XXII. *And be it further enacted,* That every Person who shall, in pursuance of this Act, adventure himself as a Militia Man in the Defence of this Island, upon any invasion, and shall, while in such Service, happen to be maimed, or receive any hurt, so as to be rendered incapable of getting a Livelihood; that then such Person or Persons shall, according to the Degree of his or their Disability, receive a yearly Pension or Allowance, the same to be paid out of the Public Monies of this Island; and if slain, then his or their Widow or Widows, during the Time of her or their Widowhood, and his and their Children, shall have a competent Allowance to be paid yearly out of the said Public Monies; each and every such Pension or Allowance, to be estimated and fixed by the *Governor*, or *Commander in Chief*, by and with the consent and advice of *His Majesty's Council.*

Captains &c. of Ships &c. or other Persons, afloat within the Harbour of Charlotte-Town or on Shore within the Town or Suburbs thereof, or within 20 miles thereof, who shall fire any Guns or small Arms, or beat any Drum after Sunset, shall be subject to a Penalty of 40s.

XXIII. And for the better preventing false Alarms, *Be it further enacted, by the authority aforesaid,* That no Captain, Master, or Commander of any Ship or Vessel, riding at Anchor, or being within the Harbour of Charlotte-Town, or any other Person or Persons whatsoever, either afloat or on Shore, within the Town or Suburbs of Charlotte-Town, &c. or at Places within Twenty Miles therefrom, shall presume to fire any Guns or small Arms, or beat any Drum after Sun-set, unless on some lawful occasion, under the Penalty of forfeiting *Forty Shillings* for every Gun or small Arm so fired or Drum so beaten, the same to be levied by Warrant of Distress from any of His Majesty's *Justices of the Peace* in this Island, and Sale of the Offender's Goods; and for want of sufficient Distress, then to commit such Offender or Offenders to Gaol, there to remain until Payment shall have been made of such Fine or Fines.

Mode of Recovery of Fine.

Proviso, not to

XXIV. *Provided always,* That this last mentioned Clause shall not be construed to extend

to any Captain or other Officer of any of His Majesty's Ships of War, for their firing at setting the Watch, nor to any of His Majesty's Troops on Shore or on board, in the due Execution of their duty.

extend to Officers of His Majesty's Ships or Troops in the due Execution of their duty.

XXV. That all Persons exempted by this Act from Training shall, notwithstanding such Exemption, be provided with Arms and Ammunition, complete, or suffer the same penalty as those that are obliged to train.

Persons exempted from training, notwithstanding to be provided with Arms, &c.

XXVI, *Provided*, That no Person or Persons whatsoever shall be sued, prosecuted, nor his Goods and Chattels be liable to Seizure, by Virtue of any preceding Clause in this Act, except within the Space of *Three Months* next after the committing the respective Offences therein mentioned.

Limitation for Recovery of Penalties.

XXVII. *And Whereas* the situation of many of the Settlers of this Place cannot bear the Expence of purchasing Fire Arms and Ammunition:

Persons who cannot bear the expence of purchasing Arms, &c.

Be it therefore further enacted, That notwithstanding the Regulations relative thereto, as contained in the preceding Part of this Act, no Person shall be subject to any Penalty or Forfeiture on that Account; but that, as soon as the Governor, or Commander in Chief for the time being, shall have provided the Fire Arms and Ammunition, the several enrolled Militia Men, also those who shall or may receive the same, shall thereupon be, and they are hereby declared to be, subject to the Regulations above mentioned with respect to their keeping their Arms, &c. in good order, and always fit for Service.

shall not be liable to any penalty for want thereof; but as soon as the Governor, &c. shall have provided Arms, &c. for such Persons, they are to be subject to the Regulations contained in this Act.

XXVIII. All Fines, Penalties, and Forfeitures, arising by operation of this Act, or in any breach thereof, (not otherwise directed, as to the recovery thereof, or thereby disposed of,) shall be applied to and for the Use of the respective Companies, wherein the same doth or may arise, (that is to say) for the procuring and repairing Drums, Colours, Banners, and for the paying of Drummers, or other Charges of the said Company; and the Overplus (if any) to be laid out in Arms and Ammunition for a Town Stock, and to be recover-

This section repealed by 3d Will. 4th, c. 30.

able by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record.

CAP. II.

Amended by 36th Geo. 3d, c. 4.

An ACT to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution.

Preamble.

WHEREAS many of the Proprietors of certain Half, Third, and Fourth Parts of Lots or Townships of Land, belonging to this Government, have never been in the Island, nor appointed Agents or Attorneys to manage their respective Affairs there, whereby the Settlement and Improvement of the Parts or Shares of such Proprietors as do reside and live in the Island, or in their occasional absence, have committed the management of their Affairs to Attorneys or Agents, have been delayed and impeded, to the general Prejudice and Injury of the Island: For remedy whereof.

Any Proprietor, &c. residing on this Island, and being desirous of having his Share of Lands held in common with any other Proprietor, &c. who has not been nor is resident thereon; then Proprietor, &c. present may apply to the Governor and Council, who are empowered to appoint an Agent for the absent Proprietor, and after having administered an Oath for the due discharge of his Duty, they are to direct the Surveyor General, &c. who with the

I. *Be it enacted, by the Governor, Council, and Assembly,* That when and so often as any of the Proprietors of such Land shall be desirous of having a Division or Partition of the same, in order that such Proprietors may know their own Lands with certainty, and thereby be enabled to proceed with Effect in the Settlement and Cultivation thereof, any of the said Proprietors, or their Attorneys, may apply to the *Governor*, or *Commander in Chief* for the time being, and to *His Majesty's Council*, who are hereby empowered and required to appoint some fit Person to act as Agent or Attorney for the absent Proprietor or Proprietors, and, after administering to such Agent or Attorney an Oath for the faithful Discharge of the Trust reposed in him by the said Appointment, shall thereupon appoint the *Surveyor General*, or some other well qualified Person, to make an exact Survey of

such Lands or Lots, and by and with the Advice of three judicious Landholders or Farmers (One of whom to be elected by each of the Parties, and the other to be appointed by the Governor and His Majesty's Council) to divide and lay out the said Lands in equal Parts, and ascertain, by distinct and permanent Marks, Metes, or Boundaries, the Line or Lines of Division of the different Shares; and that, as soon as the same shall or may be done, the Person or Persons claiming or suing for such Division, and the Attorney or Agent appointed in manner aforesaid, are to report a Draft or Survey of said Division, and to draw Lots in the presence of the Governor, or Commander in Chief, and His Majesty's Council, for the said Division: And the respective Shares or Divisions, to which each of the Parties may have Right in consequence of such Draft, shall be attested by the said Governor and Council in writing; and the written Certificate thereof shall be immediately recorded in the Register's Office, in a Book to be kept by him for that purpose, and shall be held as authentic and unalterable, and received and allowed in Evidence on any Trial against the Party interested in the said Lands for ever thereafter.

assistance of three Landholders, &c. shall make an equal Division.

Draft of Division to be reported and Lots drawn for, in presence of the Governor and Council, who are to sign each Share so drawn for;

the written Certificate thereof to be registered.

Division made as above shall be held unalterable against the Party interested.

II. *And be it further enacted*, That the Proprietor, or his Agent, claiming a Division in Manner aforesaid, shall be obliged to defray all Expenses incurred thereby; but at the conclusion thereof he may, and he is hereby empowered, to lay an account of the Expence incurred by him before the *Governor* and *Council*; and upon their examining and certifying their approbation thereof, the said Party shall be considered as a real Creditor upon the Estate or Property of the absent Proprietor or Proprietors, to the amount of one half of said Account; which Moiety shall bear Interest in his favour from and after the date of the said Attestation, at the Rate of Six *per Cent per annum*, till paid: And unless the same shall have been paid within the Space of Three Years; that then, upon Application to the *Supreme Court*, the *Chief Justice*

Proprietor making claim to such Division, to defray all Expenses incurred thereby; an Account whereof is to be laid before Governor and Council, who are to certify the whole or what Part they approve of: after which one Half thereof is to become a Debt, bearing Interest on the Estate or property of the absent Proprietor.

If not discharged within three Years,

thereof is hereby empowered and required to grant a Warrant to the *Provost Marshal*, or to his Deputy, to expose to Public Sale (Advertisements being duly posted up for thirty days previous thereto, in all the usual places, notifying the time and place thereof) so much of the Lands of the absent Proprietor or Proprietors as will satisfy and pay the one Half of the said Account of the Expenses, so as aforesaid incurred and approved of, as well in obtaining the said Division as for the Expenses and Charges incurred in the Application hereby appointed to be made to the *Supreme Court*, and the Sale in Consequence thereof.

so much of the Lands of absent Proprietor as will satisfy what is due [being certified as above] with Costs &c. to be sold.

Mode of enforcing the Sale, &c.

III. *And it is hereby enacted, by the authority aforesaid*, That all Persons holding their Lands in Common, and who either reside themselves, or have Attornies in this Island, may be compelled, by Writ of Partition, to divide the same in the Manner directed by Statute 8th and 9th William the Third, Chapter the Thirty-first.

All Persons who reside, or have resident Agents, and hold Lands in common, may be compelled, by Writ of Partition, to divide the same.

Mode directed for effecting it.

CAP. III.

An ACT for the due observance of the Lord's Day.

Preamble.

WHEREAS the due Observance of the Lord's Day in this Island has been hitherto much neglected, and many abuses of the same have been committed, to the manifest Prejudice and Dishonour of Religion, and the shameful Violation of public Decorum and good Order:

I. *Be it therefore enacted, by the Governor, Council, and Assembly*, in order that all Persons may be restrained from such indecent and irregular conduct in Future, and may be prompted to apply themselves to the rational Duties of Religion and true Piety, both publicly and privately, no Tradesman, Storekeeper, or any other Person or Persons whatsoever, shall hereafter open, or cause, or suffer to be opened, his, her, or their Shop or Store

No Tradesman shall open shop, &c. nor sell or send out any Goods on the Lord's Day.

-House, or either by himself or herself, or by his or her Servant or Servants, Child or Children, sell, expose, or offer to Sale, upon any Bulk, Stall, or Shed, or send or carry out any manner of Goods or Merchandise on the Lord's Day, or any part thereof.

Provided Nevertheless, that this Act shall not extend to prohibit any Persons from selling, or exposing to sale, Milk and Fresh Fish, before the hour of Nine o'clock in the Morning, and after Five of the Clock in the afternoon of the said Day.

This Act not to prohibit the selling Milk and fresh Fish, before 9 o'clock, A. M. and 5 o'clock, P. M. of the Lord's Day.

II. *And be it further enacted, by the Authority aforesaid*, That no Truckman, Driver of Carts, Labourer, or other Person whatsoever, shall hereafter do or perform any Labour, Work, or Business appertaining to his or their respective ordinary callings or Professions, or other worldly Labour, or suffer the same to be done by his, her, or their Child or Children, Servant or Servants, either by Land or by Water (Works of necessity and charity only excepted), or practise, or suffer to be practised, any Sport, Fowling, Fishing, Game, Play, or Pastime whatsoever, in any of the County Towns, or other Parts or Places wheresoever within this Island, on the Lord's Day or any part thereof, upon Pain that every Person so offending, upon Conviction thereof by the Oath of one credible Witness, before any of His Majesty's Justices of the Peace in this Island, or upon view of such Justice, shall for every such Offence, forfeit and pay the Sum of *Ten Shillings*; the same to be levied, in case of Non-payment, by Warrant of Distress and Sale made of the Offender's Goods. All Fines and Penalties incurred by this Act to be applied to the Use of the Poor, and disposed of at the Discretion of the Justice or Justices before whom the Offenders shall or may be convicted—the said Justice or Justices to keep a Record of the Fines levied and disposed of by them.

No Truckman shall perform any Labour or Business,

(Works of necessity or Charity only excepted), nor practise any Sports or Pastime; on the Lord's Day on penalty of 10s.

Fines and Penalties how to be recovered and applied.

Justices of the Peace before whom Offender is convicted; to keep a Record of Fines levied, and how disposed of.

CAP. IV.

Repealed by 3d Will. 4th, c. 27.

An ACT to prevent the cutting of Pine or other Trees without Permission of the Proprietor, and to prevent the cutting down and destroying of Fences.

CAP. V.

Amended by 21st Geo. 3d, c. 1. Time altered as to killing Eels.

An ACT to regulate the Salmon, Salmon-Trout, and Eel-Fishery.

Preamble.

WHEREAS the great Quantity of Salmon, Salmon-Trout, and Eels, which has hitherto been taken by the Inhabitants of this Island has been of the greatest service to them, and as the Quantities taken and brought to Market have of late been much reduced by their being killed and taken at improper Seasons of the Year: To remedy which in future,

Be it enacted, by the Governor, Council, and Assembly, That from and after the Publication hereof, no Person or Persons whatsoever shall kill or take any Salmon or Salmon-Trout, between the First Day of *October* and the Fifteenth Day of *January;* nor kill or take any Eels between the First Day of *August,* and the First Day of *December,* by any kind of Lights in the Night Season; nor kill or take any Eels in the day time upon the Flats, or elsewhere, between the First Day of *October* and the First Day of *December,* on Penalty of forfeiting *Five Pounds* for every Offence: And when and so often as any Person or Persons shall or may give Information to one or more of His Majesty's Justices of the Peace in this Island, of any Breach or Breaches against the Provisions of this Act, the said Justice or Justices is or are hereby authorized and required to summon the Offender or Offenders to appear before him or them, and upon due Proof made of the Truth of the Information or

No Person between 1st of October and 15th of January, to kill or take Salmon, or Salmon-Trout, nor to kill or take Eels by Lights in the Night Season, between 1st of August and 1st December, nor in the Day time upon the Flats or elsewhere, between 1st of October and 1st of December, on Penalty of 5*l.* for every Offence.

Manner of Recovery.

Complaint, to grant a Warrant, under his Hand and Seal, for making Distress upon the Goods and Chattels of such Offender or Offenders, to the Amount of the said Penalty—one Half whereof to be applied to the Use of His Majesty's Government in this Island, and the other Half to be paid to the Informer or Prosecutor.

Application of Forfeiture.

CAP. VI.

An ACT for altering the Name of this Island from Saint John to that of New-Ireland.

The Execution of this Act was suspended until approved of by His Majesty; and no such approbation being had, it is not printed.

CAP. VII.

An ACT directing the Proceedings against Forcible Entry and Detainer.

Disallowed by His Majesty in Council, the 29th of June, 1781.

CAP. VIII.

An ACT appointing the Recording of all Deeds of Sale, Conveyances and Mortgages.

Acts which amend or alter this Act 25th Geo. 3d, c. 1—41st Geo. 3d, c. 5—49th, Geo. 3d, c. 4. Repealed by 3d Will. 4th, c. 10.

FOR the prevention of clandestine and uncertain Sales of Houses, Lands and Tenements, within this Island, and to the Intent that it may be the better known what Right or Title Persons really and truly have in or to such Estates as they may offer for Sale:

Preamble.

I. *Be it enacted, by the Governor, Council, and Assembly,* that from and after the Publication hereof, all Deeds, Conveyances, or Mortgages of Houses, Lands and Tenements within this Island shall be recorded at full length in the *Register's Office* within Forty Days next after their respective Dates, if executed on this Island between the First Day of *May* and the First Day of *November*, and within Eighty Days if there executed between the First Day of *November* and the First Day of *May*; and if

After Publication all Deeds, &c. executed on this Island, between the first of May and first of November, to be recorded in the Register's Office within 40 days after their respective Dates; and within 80 Days if between the firs of November and the first of May:

If executed in Great Britain or Ireland, within two Years from their Dates.

executed in *Great Britain* or *Ireland*, then the said original Deeds, Conveyances, or Mortgages, or duly attested Copies thereof, shall or may be recorded as aforesaid, within the Space of Two Years from their respective Dates.

After expiration of the said forty days, eighty days, or two Years, all Deeds, &c. if not recorded as above directed, shall be of no force against any *bona fide* Purchaser, who shall comply with this Act.

II. *And be it further enacted*, That from and after the expiration of the said Forty Days, Eighty Days, or Two Years, in the respective Events above mentioned of such Grants, Deeds, Conveyances, or Mortgages being executed on the Island, or in *Great Britain* or *Ireland*, the same, if not recorded as aforesaid, shall be of no Force or Effect in Law against any *bona fide* Purchaser who shall have complied with the Terms of this Act, or against any other Person or Persons whatsoever, except the Grantor or Grantees, and his or their Heirs.

CAP. IX.

An ACT to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.

Goods and Estate of absconding Debtors may be attached, and subject to Execution.

BE *it enacted, by the Governor, Council and Assembly*, That it shall and may be lawful for any Person entitled to any Action for any Debts, Dues or Demands whatsoever against any Person absconding or being absent out of this Island, to cause the Goods and Estate of such absent or absconding Person to be attached, in whose Hands or Possession, or under whose Management soever the same are or may be found; and the attaching any Part thereof shall secure and make the whole that is in such Person's Hands, or under his Management, liable in Law to the Judgment, to be recovered upon such Process, and shall be subject to be taken in Execution for satisfaction thereof, or so far as the Value thereof may extend; and the Person in whose Hands they are shall expose and discover them accordingly, upon request made for that Purpose.

II. *And be it further enacted*, That where no Goods, Lands, Houses, or Effects of such absent or absconding Person, in the Hands or under the Management of his Agent, Factor, Attorney, or Trustee, shall be exposed to view, or can be come at, so as to be attached, it shall and may be lawful to and for any person entitled to any such Action as aforesaid, to file a Declaration against such absent or absconding Person in the Office of the Clerk of the Supreme Court of Judicature, therein setting forth, particularly, his Debt and Damage, and how they may have arisen; and also to cause the Attorney, Factor, Agent, or Trustee of such absent or absconding Person, to be served with a Summons out of the said Clerk's Office, being annexed to the Declaration Fourteen Days previous to the Sitting of the said Supreme Court; which being duly served, and Return duly made thereof, under the Hand of the *Provost Marshal*, or any of his Deputies, shall be sufficient in Law to bring forward a Trial, without other or further Summons, unless the Principal be an Inhabitant, or hath for some Time had his Residence within this Island; in which case a like Summon, swith an attested Copy of the Declaration thereto annexed, shall also be left at his Dwelling House, Lodging, or Place of his last and usual Abode, Fourteen Days before the Sitting of the Court. And such Attorney, Factor, Agent, or Trustee, upon his desire, shall be admitted to defend the Suit, on behalf of his Principal, throughout the course of the Law, and an Imparlance shall be granted two Terms successively, that he may have an opportunity to notify his Principal thereof; and at the third Term, without special Matter alledged and allowed in Bar, Abatement, or further Continuance, the Cause shall peremptorily come to Trial; and if Judgment shall have been rendered for the Plaintiff, then all the Goods, Effects, Credits, and Estate of any kind whatsoever of such absent or absconding Person, in the Hands of such Attorney Factor, Agent, or Trustee, or under his Care or

Agent, &c. of an absconding Debtor to be summoned to Court.

Process and Trial thereupon.

Goods, &c. in Agent's Hands, subject to Execution.

Management, which were in his Hands, or under his Management and Direction, at the time of his being served with the Summons and Declaration aforesaid, to the Amount of the Sums contained in the said Judgment (if so much there be), shall be liable and subject to the Execution granted upon such Judgment, for or towards satisfying the same; and from the time of serving the Summons as aforesaid, shall be liable and secured in Law in his Hands to answer the same, and may not be otherways disposed of or converted.

Plaintiff to be non-suited where no Effects are in Agent's Hands,

III. *Provided nevertheless, and be it enacted, by the Authority aforesaid,* That if upon Summons being served as above mentioned, the supposed Attorney, Factor, Agent, or Trustee shall come into Court at the first Term thereof, and declare that he had not in his Hands, nor under his Care or Management, at the Time of the Service of such Summons, any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding Person, and shall submit to an Examination, upon Oath, respecting the same; and if upon Examination it shall appear, to the Satisfaction of the Court, that he had not any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding Person in his Hands, or under his Management, at the time of his being summoned as aforesaid; then, and in every such Case, the Plaintiff shall become non-suited, and shall pay to him, who may have been so summoned as Attorney, Agent, Factor, or Trustee, his reasonable Costs, to be taxed in common Form by the Court.

and to pay Costs.

Agents &c. not appearing, liable to pay Costs.

IV. *And be it therefore further enacted,* That if any Attorney, Factor, Agent, or Trustee, who being duly served with Summons and Declaration as aforesaid, shall not appear at the first Term, and then either acknowledge himself to have had in his Hands, or under his Management, some Lands, Goods, Effects, or Credits of the absent or absconding Person, at the time of the Service aforesaid, and thereupon pray that he may be admitted to defend the Action, or otherwise sub-

mit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall or may arise upon his Suit, the same to be taxed by the Court in common Form.

V. *And be it further enacted,* That in case any Attorney, Factor, Agent, or Trustee, from and after the time of his being served with Summons and Declaration as aforesaid against his Principal (being an absent or absconding Person), shall transfer, remit, dispose of, or convert any of the Lands, Goods, Effects, or Credits of such absent or absconding Person in his Hands, or under his Management, at the time of such Service, so that there shall not be sufficient to satisfy the Judgment, (the Debt being afterwards ascertained by Judgment of Court), or that shall not discover, expose, and subject the Lands, Goods, Effects, and Credits of such absent or absconding Person in his Hands, or under his Management, to be taken in Execution, towards the Satisfaction of the said Judgment, so far as the same will extend, shall be liable to satisfy the same out of his own proper Goods and Estate, as of his own proper Debt; and a Writ of *Scire-facias* may be sued out of the said *Supreme Court of Judicature,* and served on him as the Law directs, to appear and shew Cause (if any he hath) to the contrary; and where, upon Default of Appearance, or refusal to disclose upon his Oath, (which Oath the *Chief Justice* is hereby empowered and required to administer,) what Lands, Houses, Goods, Effects, or Credits of the absent or absconding Person are in his Hands, or under his Management, and to what value Judgment shall be entered up against him of his own proper Goods, and Execution be awarded accordingly.

Execution to be levied on the Agent's proper Goods, &c. if he transfer the Effects of his Principal.

Agent to discover upon Oath the Goods, &c. of his Principal: on failure, Judgment to be entered against him of his own proper Estate, &c.

VI. *Provided nevertheless, and be it further enacted,* That if it shall appear that the Attorney, Factor, Agent, or Trustee, so summoned as aforesaid, and having in his Hands, or under his Management, at the time of such Summons, any Lands, Houses, Goods, Effects, or Credits of the absent or abscon-

Agent to be allowed his Costs upon discovering the Effects, &c. of his Principal, and subjecting them to satisfy the Judgment.

ding Person, hath not remitted, disposed of, or in any manner converted the same, after the Summons being served on him as aforesaid, but that he hath discovered, and subjected them to be taken in Execution, to satisfy the Judgment recovered against the absent or absconding Person as aforesaid; then, and in such Case, the Party who may have commenced the Suit, shall pay such Attorney, Factor, Agent, or Trustee, his reasonable Costs, the same to be taxed in common Form by the Court.

Agent to be acquitted and discharged from any Action of his Principal.

VII. *And be it further enacted*, That the Lands, Houses, Goods, Effects, and Credits of any absent or absconding Person, so taken as aforesaid by Process and Judgment of Law, out of the Hands of his Attorney, Agent, Factor, or Trustee, by any of his Creditors, shall fully acquit and for ever discharge such Attorney, Agent, Factor, or Trustee, his Executors or Administrators, of, from, and against all Actions, Suits, Damages, Payments, and Demands whatsoever, to be asked, commenced, had, claimed, or brought by his Principal, his Heirs, Executors, or Administrators, of and for the same: And if any Attorney, Agent, Factor, or Trustee shall be molested or sued by his Principal for any thing done by him in pursuance of this Act, he may plead the General Issue, and give this Act in Evidence.

Principal entitled to rehearing within three Years.

Provided nevertheless, and be it further enacted, That any absent or absconding Person, against whom Judgment shall or may be recovered as aforesaid, shall be entitled to a re-hearing of such Cause at any Time within Three Years next after such Judgment: and the Plaintiff in such Action, before any Execution shall issue on such Judgment, shall give sufficient Security, to the Satisfaction of the Court, for Re-payment of all such Monies as may be levied by said Execution, in case the said Judgment be reversed on such Re-hearing as aforesaid.

CAP. X.

An ACT to enable the Governor, or other Commander in Chief, to lease out certain Parts of the Common of Charlotte-Town, Rent free, for the Space of Ten Years.

Repealed by 49th Geo. 3d, c. 7.

Anno Vicesimo Primo Regis Georgii III.

1781.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Eighth day of October, Anno Domini One Thousand Seven Hundred and Seventy-nine, and in the Nineteenth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation until the Thirteenth day of February, One Thousand Seven Hundred and Eighty-one, and in the Twenty-first Year of His said Majesty's Reign; being the Fourth Session of the Third General Assembly convened in the said Island.

W. PATTERSON, Governor.

T. DESBRISAY, President of Council.

W. BERRY, Speaker.

CAP. I.

July Session, 20th Geo. 3d, c. 5.

An ACT to explain and amend an Act, passed in the Twentieth Year of His present Majesty's Reign, intituled, *An Act to regulate the Salmon, Salmon-Trout, and Eel Fishery.*

Preamble.

WHEREAS the Limitations contained in said Act, for killing or takiug Eels, have been found by experience not to answer the End thereby proposed:

Any Person may kill or take Eels upon the Flats, or elsewhere, at any Time after the 15th of Nov. yearly.

I. *Be it enacted, by the Governor, Council, and Assembly,* That it shall and may be lawful for any Person or Persons to kill or take Eels upon the Flats, or elsewhere, within this Island, at any time after the Fifteenth Day of *November* in each Year; any thing in the said herein before recited Act to the contrary notwithstanding.

Any Person found killing or taking Eels on the Flats, or elsewhere, between first of October and 15th of November, shall forfeit 5l.

II. *And be it further enacted,* That if any Person or Persons whatsoever shall be found killing or taking Eels on the Flats, or elsewhere, between the First Day of *October* and the Fifteenth Day of *November* in each Year, such Person or Persons shall be subject to a Penalty of *Five Pounds* for every such Offence; the same to be recovered by Information, on Oath, of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace for said Island, who is hereby empowered and required to grant a Summons, thereby directing such Person or Persons so offending to appear before him, and upon due Proof of the Complaint or Information, to grant a Warrant under his Hand and Seal for making Distress upon the Goods and Chattels of such Offender or Offenders, to the Amount of the same Penalty—one Half whereof to be applied to the Use of His Majesty's Government in this Island, and the other Half to be paid to the Informer or Prosecutor.

Mode of Recovery.

Application of Forfeiture,

CAP. II.

An ACT relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.

BE *it enacted, by the Governor, Council and Assembly,* That every Person in this Government shall have Power to give and devise, by his or her last Will and Testament, in Writing, and subscribed by the Party so giving and devising, or by some other Person in his or her Presence, and by his or her express Directions and Authority, and attested and subscribed in the Presence of the Devisor, by Three or more credible Witnesses, any Lands, Tenements, or Hereditaments, whereof he or she shall, at the Time of his or her so giving or devising the same by such Will, be lawfully seized either of a sole Estate in fee simple, or of any Estate in Coparcenary, or in common in Fee Simple, in Possession, Reversion, or Remainder, as much as in him, or her of right is to the said Lands, Tenements, and Hereditaments, or in like manner to devise any Rents or Profits out of the same at his or her Pleasure.

Any Person may, by last Will and Testament, devise Lands, &c.

Provided Nevertheless, That Wills made for any Lands, Tenements, or Hereditaments, or of any Rents or Profits out of the same, by any *feme Covert,* or Person within the Age of Twenty-one Years, Idiot, or of unsound Mind, shall not be good in Law.

Feme Coverts, &c. excepted.

III. *And be it further enacted,* That no Devise in Writing of any Lands, Tenements, or Hereditaments, shall be revocable otherwise than by some other Will or Codicil, also in Writing, subscribed in the Presence of Three or more Witnesses.

No Devise in Writing to be revocable, except by another Will or Codicil in Writing.

IV. *Be it further enacted, by the Authority aforesaid,* That from and after the Publication hereof, no *nuncupative* Will shall be good, where the Estate thereby bequeathed may exceed the Value of *Thirty Pounds,* except the same be proved by the

No nuncupative Will to be deemed valid, except proved by the Oath of three Witnesses, &c.

Oath of Three Witnesses, who were present at the making thereof, and unless it be proved that the Testator, at the time of pronouncing the same, desired the Persons present to bear Witness that such was his Will, or Words to that Effect; and unless also such *nuncupative* Will shall have been made during the Time of the last Sickness of the Deceased.

No Testimony to be received to prove such Will, except committed to writing within 6 days after Will being made.

V, *And be it further enacted*, That after the Expiration of Six Months from the pronouncing the Testamentary Words, no Testimony shall be received to prove any *nuncupative* Will, except the said Testimony shall have been committed to Writing within Six Days next after making the said Will.

Letters Testamentary, &c. not to pass any Court till fourteen days after Testator's decease.

VI. *And be it further enacted*, That no Letters Testamentary or Probate of any *nuncupative* Will shall pass the Seal of any Court, till the Expiration of *Fourteen Days*, at least, next after the Death of the Testator; nor shall any *nuncupative* Will be at any Time received to be proved, unless Process hath first issued to cite or call in the Relict, or next of Kin to the Deceased, to the End they may contest the same if they see cause. And all such Witnesses as ought to be deemed to be good and competent Witnesses in Trials at Law, shall be deemed good Witnesses to prove any *nuncupative* Will, or any Thing relative thereto.

No Will in Writing concerning Personal Estate, to be altered by Word of Mouth only, unless committed to Writing in the Life-Time of the Testator.

VII. *And be it further enacted*, That no Will in Writing, concerning any personal Estate, shall be repealed or revoked, nor shall any Clause, Devise, or Bequest therein be altered or changed, by Words or Will (by Word of Mouth only,) except the same be in the Life of the Testator committed to Writing, and after the Writing thereof read unto the Testator, and allowed by him and proved to have been so done by three Witnesses.

Executors knowing of their being appointed, to prove Will within 30 Days, &c.

VIII. *And be it further enacted, by the Authority aforesaid*, That if any Executor or Executors of the Will of any Person deceased, knowing of their being so named and appointed, shall not, within *Thirty Days* next after the Death of the Testator,

or his, her, or their appointment being made known to him, her, or them respectively, cause such Will to be proved and recorded in the *Register's Office*, or present the Will and give in a written Declaration of his, her, or their refusal of the Executorship; every Executor so neglecting his or her Duty in that behalf (without just Excuse made and accepted for such Delay,) shall forfeit the Sum of *Five Pounds* every Month from and after the Expiration of the said *Thirty Days*, until he, she, or they shall have caused Probate of such Will to be made, or have presented the same in the manner above appointed: Each and every such Forfeiture to be had and recovered by Action of Debt in the *Supreme Court of Judicature* of this Island, at the Suit of any of the Heirs or Creditors who shall or may prove, to the satisfaction of said Court, that any Injury has accrued to him, her, or them respectively by the said delay, and to and for the proper Use of him, her, or them who shall inform and sue for the same. And upon any such refusal of the said Executor or Executors, the Judge shall order and commit Administration of the Estate of the deceased, with the Will annexed, unto the Widow, or next of Kin to the Deceased, and in case of their refusal, to one or more of the principal Creditors, as he shall or may think fit.

on Penalty of 5*l.* for every Month's delay.

Mode of Recovery.

Application of Forfeiture.

IX. *And be it further enacted*, That if any Person or Persons shall be found guilty of suppressing any Will and Testament, such Person or Persons shall be subject and liable to the same Penalty as is directed in and by this Act for Persons neglecting to prove any last Will and Testament.

Penalty of suppressing Wills.

X. *And be it further enacted*, That where any certain Legacy is or shall be bequeathed and given by any Person in his or her last Will and Testament, as also where any Residuary or uncertain Legacy is, or shall by the Account of any Executor, be reduced to a Certainty; in those Cases every such Legacy and Legacies may be sued for and recovered at Common Law; any Law, Custom, or Usage to the contrary notwithstanding.

Legacies ascertained, recoverable at Common Law.

XI. *And be it further enacted,* That henceforth every Executor named in any Will, and taking upon himself that Charge by proving such Will, within the Space of Three Months next after the Probate thereof, (or at such further or longer Time as the Judge of Probate shall think proper to allow, or the circumstances of the Estate may require,) shall exhibit in the *Register's Office,* upon Oath, a full and true Inventory of the whole Estate of the Deceased, so far as the same has then come to his Hands and Knowledge, on Pain of forfeiting his Office of Executorship, together with the Sum of *Five Pounds* for every Month's Neglect thereof, as is by Law provided for not presenting a Will, and to be recovered in like Manner. *Provided, nevertheless,* that in Wills, where after the payment of Debts and of any certain particular Legacy or Legacies, the Residue or Remainder of the Estate is bequeathed generally to any one or more Persons, other than the Executors themselves, in every such case an Inventory of the Estate is hereby required to be presented on Oath as aforesaid, and the Executors shall be liable so account as Administrators are by Law obliged to do. And any Executor, being a residuary Legatee, may bring his Action of Account against his Co-executor or Executors of the Estate of the Testator in their Hands, and may also sue for and recover his equal and rateable Part thereof: And any residuary Legatee may have the like Remedy against the Executors.

Executors to exhibit an Inventory of the Deceased, within 3 Months after Probate, on pain of 5*l.* for each Month's Neglect.

Proviso.

And liable to account in likemanner as Administrators.

Residuary Legatee may bring Action of Account against Executors.

XII. *And be it further enacted,* That when and so often as it shall happen that any person dies Intestate, upon the application of the Widow, or next of Kin, within *Thirty Days* after the Death of such Intestate, the said Judge of the Probate shall grant Letters of Administration to such Widow or next of Kin: and in Case they neglect applying within the said *Thirty Days,* upon first citing such Widow, or next of Kin, and their refusing to accept the same, such Judge of Pro-

Administration

bate shall grant Administration to such Person or Persons as he shall or may Judge fit—Creditors being always considered as having a preferable Right to Persons in no Wise interested in the Affairs of the Deceased: And to whomsover the said Judge shall grant Administration, according to the Regulations and Directions contained in this Act, he shall oblige him, her, or them to give Bond, with sufficient Sureties, in the manner as is directed by the Statute of the Twenty-second and Twenty-third Years of the Reign of *Charles* the Second, Chapter the Tenth, intituled, *An Act for the better settling Intestates' Estates*, and shall and may proceed to call such Administrators to account for and touching the Goods of the Intestates: And upon due Hearing and Consideration thereof (all just Debts and Funeral Expenses being first allowed) the said Judge shall, and he is hereby fully empowered to order and make a just Distribution of the Surplusage, or remaining Goods and Estate, as well Real as Personal, in manner following: that is to say, One third Part of the Personal Estate to belong to and vest in the Wife of the Intestate forever, besides her Dower in the Houses and Lands during Life, where such Wife shall not be otherwise endowed before Marriage. And the said Judge having appointed Guardians in manner as hereafter shall or may be by Law directed, shall then, out of all the Residue of such Real and Personal Estate, distribute two Shares or a double Portion to the eldest Son then surviving (where there is no issue of the first born, or of any other elder Son;) and the Remainder of such Residue equally to and among his other Children, and such as shall or may legally represent them. *Provided* that Children advanced by Settlement or Portions, not equal to the other Shares, shall have so much of the Surplusage as may make the Estate of all to be equal, except the eldest Son then surviving (where there is no Issue of the First born, or of any other elder Son,) who shall have two Shares, or a double Portion of the whole.

and Distribution of Estates of Intestates.

Proviso.

Children advanced in the Life-time of the Intestate.

XIII. *And be it further enacted,* That each Estate wherewith such Child or Children shall have been advanced in the Life-time of the Intestate, shall be accounted for upon the Oath of such Child or Children before such Judge of Probate of Wills, and for granting Letters of Administration, or by other Evidence to the Satisfaction of the Judge; and in case of refusal to account upon Oath, such Child or Children so refusing shall be debarred of any Share in the Estate of the Intestate.

Division of Lands.

Proviso.

XIV. *And be it further enacted,* That the Division of such Lands or Tenements shall be made by Five capable Freeholders upon Oath, or by any Three of them, to be for that purpose appointed and sworn by the Judge. *Provided always,* that if all the Parties interested in such Lands or Tenements, being of lawful age, shall by Deed agree to a Division, such Agreement, the same being acknowledged by the Parties thereto before the Judge, and being entered on Record in the *Probate Office,* shall be deemed a legal and valid Partition and Settlement of such Estate, as effectually, to all intents and Purposes whatsoever, as if the same had been divided and settled by Writ of Partition, and shall be received and allowed in Evidence on any Trial against the Parties so interested in the said Lands and Tenements.

Of Estates in Houses and Lands which cannot be divided without Prejudice to the whole.

XV. *Provided nevertheless,* That where any Estate in Houses and Lands cannot be divided among all the Children, without great Prejudice to the whole, the said Judge may, on sufficient Evidence of the same, order the whole to the oldest Son, or, upon his Refusal, to any other of the Sons successively; he paying unto the other Children of the Deceased their equal and proportionable Parts or Shares of the real Value of such Houses and Lands, upon a just Appraisement thereof to be made by Three sufficient unexceptionable Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving good Security to pay the same in such convenient time as the said Judge

shall or may limit, making reasonable Allowance in the mean Time, at the Rate of *Six Pounds* on the Hundred in the Year. And if any of the Children should happen to die under Age, or before Marriage, then the Portion of such deceased Child shall be equally divided among the Survivors. And in case there be no Children, nor any legal Rrepresentatives of them, then One Moiety of the Personal Estate shall be allotted to the Wife of the Intestate forever, as also one third of the Real Estate for her Term of Life: And the Residue both of the real and personal Estate shall be allotted equally to every of the next of Kin of the Intestate in equal Degree, and those who shall or may legally represent them. No Representatives to be admitted among Collaterals, after Brothers and Sisters' Children. And if there be no Wife, then the whole shall be distributed among the Children; and in case of no Child, then to the next of Kin to the Intestate in equal Degree, and their legal Representatives as aforesaid, and in no other manner whatsoever. And every One to whom any Share shall be allotted, shall give Bond, with sufficient Sureties, to the satisfaction of the said Judge of Probate, if Debts afterwards be made to appear, conditioned to refund and pay back to the Administrator his or her rateable Part thereof, and of the Administrator's Charges.

Of Portions of Children dying under Age, or unmarried.

XVI. *And it is hereby enacted*, That the Lands and Tenements wherewith any Widow shall be endowed as aforesaid, shall, after the decease of such Widow, be divided in like manner as by this Act is directed: *Saving* to any Person aggrieved at any Order, Sentence, or Decree made for the Settlement and Distribution of the Estate of any Intestate, the Right of Appeal to the Governor and Council; every Person so appealing giving Security to prosecute such Appeal with Effect. *Provided*, that such Appeal be made within *Forty Days* after Sentence of the said Judge.

Widow's Dower, after her Death, to be divided in like Manner.

Persons aggrieved may appeal to the Governor and Council.

XVII. *And be it further enacted*, That all such Estate, whether Real or Personal, which shall or

Estates not comprised in any last Will to be distributed as Intestates' Estates.

may not be comprised in any last Will and Testament, or which shall or may not be devised or given by the same, shall be distributed in the same manner as the Estates of Intestates are directed to be distributed by this Act.

Where Personal Assets shall appear, upon Application to Governor and Council to be insufficient, real Estate may be sold for the payment of Debts and Legacies.

XVIII. *And be it further enacted,* That in case Personal Assets shall be deficient for the payment of any Debts or Legacies, and it shall be found necessary by any Executor or Administrator to make sale of any Part of the Real Estate of the Deceased, for the payment of any Debts or Legacies, then such Executor or Administrator shall apply to the Governor or other Commander in Chief for the time being, and to His Majesty's Council to give Order and Direction for the sale of such Part of such Real Estate as may be most convenient for the Payment of such Debts or Legacies: and before any sale be made of any Real Estate, the Executor or Administrator shall give *Thirty Days* public Notice, by posting up Notifications in the most public Places in *Charlotte-Town, Georgetown,* and *Princetown;* and whoever will give most, or appear to be the highest Bidder, shall have the preference at such Sale. And in case the Estate of such Intestate shall be Insolvent, then the Executor or Administrator shall make like Application to the Governor, or other Commander in Chief for the time being, and to His Majesty's Council, for an Inquiry, and for the appointment of Commissioners to inquire into such Insolvency, and examine and settle the Claims of all the Creditors, and into the Amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell the Lands and Tenements of such Insolvent, and to divide the Produce of the whole of such Estate in due Proportions to and amongst the Creditors.

In case of Insolvent Estates, Application to be made to the Governor and Council to appoint Commissioners to settle Claims of Creditors, and to sell real Estate to pay them.

Any Person without being authorized intermeddling with Goods of any deceased

XIX. *And be it further enacted,* That if any Person shall in future presume to act as Executor, or otherwise, by intermeddling with the Goods of the Deceased, without being duly authorized thereto as is directed in and by this Act, such Person shall

forfeit the Sum of *Twenty Pounds* for every such officious intermeddling; the same to be recovered in any of His Majesty's Courts of Record, by the Executor, Administrator, or other Person interested in the Estate of the Deceased; one half of which Penalty shall be paid to the Person suing for the same, and the other half to and for the use of His Majesty's Government. And such Person so intermeddling shall be further obliged to account for and pay into the Hands of the Executor or Administrator whatever Effects he may have got possession of in such an irregular manner, with full Costs of Suit.

Person shall forfeit 20*l*.

Mode of Recovery.

Application of Forfeiture.

CAP III.

An ACT making Lands and Tenements liable for the Payment of Debts.

Repealed by 26th Geo. 3d, c. 9.

CAP. IV.

An ACT, for determining Differences by Arbitration or Umpirage.

WHEREAS References made by Rule of Court may contribute much to the ease of the Subject, in determining Controversies, (especially in Matters of Account, and other Mercantile Transactions of a complicated nature, which are often difficult to be accurately adjusted on Trials at Law;) as thereby the Parties become obliged to submit to the Award of the Arbitrators, or Umpire, under Penalty of Imprisonment for their Contempt, in case they refuse Submission:

Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, That it shall and may be lawful for all Merchants, Traders, and others, or their respective Agents or Attornies, who shall or may be desirous of ending any Controversies, Suits, or Quarrels (for which there is no other Remedy

Merchants, &c. desirous of ending controversies by Arbitration,

may agree by Submission, to be made a Rule of Court, that the same shall be finally concluded by such Arbitration.

but by personal Action, or Suit in Equity,) by Arbitration, to agree that the Submission of all such Controversies, Suits or Quarrels, to the Award or Umpirage of any Person or Persons, shall be made a Rule of His Majesty's Supreme Court of this Island, and to insert such their Agreement in their Submission or in the Condition of the Bond whereby they had obliged themselves respectively to submit to such Award or Umpirage: Which Agreement, being so made and inserted in the Submission or Condition of their respective Bonds, shall or may, upon producing an Affidavit made by the Witnesses thereto, or any One of them in the said Court, of the due Execution thereof, and upon reading and filing the same, such Submission shall be there entered of Record, and a Rule thereupon made by the said Court for the respective Parties to submit thereto, and be finally concluded by the Award and Determination of such Arbitrators or Umpire therein severally named, the same being made in pursuance of said Submission or Bond. And in Case of Disobedience to the Award and Determination of such Arbitrators or Umpire, the Party neglecting or refusing to obey the same, or any part thereof, shall incur and be subject to all the Penalties of contemning a Rule or Order of Court: and the said Court, on motion, shall issue Process accordingly, unless such Award be set aside for Contempt or other Misbehaviour in the Arbitrators or Umpire, on satisfactory Proof made thereof by Oath to the said Court within one Term after the Award or Determination shall have been so made: In which Event, the same shall be judged Void and of no Effect; any thing in this Act contained to the contrary notwithstanding.

In Case of disobedience, Parties subject to Penalty, &c.

unless Arbitrators have misbehaved themselves, &c.

CAP. V.

An ACT to explain, amend, and render into one Act, all the Laws now in being for the purpose of making and repairing High-ways in this Island.

Repealed.

CAP. VI.

An ACT giving a Reward for the Killing of Bears.

Expired the 16th of April, 1785.

CAP. VII.

An ACT for granting to His Majesty an additional Duty on all Rum, Brandy, and other distilled Spirituous Liquors; and a Duty on all Wines imported into this Island.

Repealed and re-enacted by 25th Geo. 3d, c. 4, s. 1.

CAP VIII.

An ACT for allowing a Drawback on all Rum, Brandy, and other distilled spirituous Liquors, and all Wines exported from this Island; as likewise for exempting all spirituous Liquors and Wines from paying any Duty, that may be imported into this Island, on purpose to be re-exported.

Repealed and re-enacted by 25th Geo. 3d, c. 4, s. 12.

CAP. IX.

An ACT for continuing sundry Laws near expiring.

Expired.

Repealed by 3d Will. 4th, c. 20.

CAP. X.

An ACT appointing Vestries.

CAP. XI.

An ACT for amending and rendering perpetual several Laws near expiring.

Preamble.

WHEREAS the several Acts herein after mentioned, which are near expiring, have been found to be variously useful and beneficial, viz.

Act for licensing and regulating Ferries; (since repealed.)

An Act made and passed in the Fourteenth Year of His Majesty's Reign, intituled, *An Act for licensing and regulating Ferries:*

Act for regulating the Measure of Boards &c. and for appointing Officers to survey the same, [since repealed.]

An Act made and passed in the said Fourteenth Year of His Majesty's Reign, intituled, *An Act for regulating the Measure of Boards, and all other Lumber, and for appointing Officers to survey the same:*

Act ascertaining the Privileges of the Members of the Assembly.

An Act made and passed in the Twentieth Year of His Majesty's Reign, intituled, *An Act to ascertain the Privileges of the Members of the Assembly, &c.*

☞ This Act was disallowed by His Majesty in Council, the 29th of June, 1781.

Act for preventing the running of Hogs at large in Charlotte-Town, [since repealed.]

An Act made and passed in the said Twentieth Year of His Majesty's Reign, *to prevent Swine running at large in Charlotte-Town:*

Act for preventing the running at large of Stone-Horses, and the killing of Partridges, &c.

And an Act made and passed in the said Twentieth Year of His Majesty's Reign, intituled, *An Act to prevent the running at large of Stone Horses, and killing of Partridges in the pairing and hatching Season:*

Preamble.

And whereas, it is found that the first *Friday* of *August* is too early for killing of Partridges:

I. *Be it therefore enacted, by the Governor, Council and Assembly,* That from and after the Publication hereof, it shall not be lawful for any Person or Persons whatsoever, to shoot, kill, or otherwise destroy, or to have in his, her, or their Possession any Partridge or Partridges between the

No Person to kill, &c. or have in Possession, Partridges, between 1st of April and 1st of

first Day of *April* and the first Day of *September*, annually; and all Persons offending herein shall be subject to the same Penalties as mentioned in the said last recited Act: which Penalties are to be recovered and applied in the same Manner as is directed by the said Act.

September, under the same Penalty inflicted by 20th Geo. 3d, March Session, c. 5, s. 3.

Recovery and application of Penalty.

II. *And be it further enacted*, That the several Acts herein before mentioned, and every Clause, Matter and Thing therein contained, together with the foregoing Clause, altering, amending, and enlarging the said Act, intituled, *An Act to prevent the running at large of Stone Horses, and killing of Partridges*, from henceforth be, and the same are hereby declared to be, in full Force and Effect forever.

Acts before mentioned made perpetual.

CAP. XII.

An ACT for raising a Fund to make and keep in Repair, the Streets and Wells of Charlotte-Town.

Repealed and re-enacted by 26th Geo. 3d, c. 1, which Act has expired.

CAP. XIII.

An ACT for enforcing the Payment of His Majesty's Quit-Rents due, or which may become due within this Government; and to authorize the Receiver General to recover the same, by Sale of the Lands, or otherwise.

This Act having passed with a suspending Clause, and not having received His Majesty's Approbation, is not published.

CAP. XIV.

An ACT to prevent disorderly riding of Horses, and driving of Carts, Trucks, and Sleds, or any other Carriage whatsoever, within Charlotte-Town.

IN Order to prevent the Inconveniencies and Misfortunes which may arise from the Disor-

Preamble.

derly riding of Horses, and negligently driving of Carts, or other Carriages of Burthen of any Kind whatsoever, within Charlotte-Town:

Persons galloping on Horseback or riding any Horse, drawing any Carts, &c. within the Streets or High-ways, of Charlotte-Town;

1. *Be it therefore enacted, by the Governor, Council, and Assembly*, That from and after the Publication hereof, no Person or Persons whatsoever shall, on any Pretence whatsoever, gallop on Horseback, or, having the Charge of driving any Horse or Horses whatsoever, in any Cart, or other Carriage of Burthen of any Kind, shall ride upon such Horse or Horses, or remain placed in or upon any Part of such Cart or other Carriage within any of the Streets or High-Ways of the said Town: And no such Driver or Drivers shall omit, during such Time to lead the Shaft or Thill-Horse by a Halter not exceeding four Feet in Length; nor shall he or they drive any such Horse or Horses faster than a Foot-pace, upon Pain of forfeiting *Ten Shillings* for every such Offence; the same to be paid upon Conviction by the Testimony of One credible Witness, before any One of His Majesty's Justices of the Peace, within *Twenty-four Hours* after such Offence shall have been committed: And in Case any such Offenders shall thereupon refuse to pay the same, then the said Offender shall be put to Labour for the Space of *Four Days*, in repairing the Streets of the said Town, or the High-Ways adjoining thereto, under the Direction of any One of the Overseers of the District of Charlotte Township. And in case of Refusal or Neglect to perform such service, it shall and may be lawful for any Justice of the Peace, upon Complaint of the Overseer or Overseers aforesaid, to cause such Offender to be committed to Prison for the Space of *Six Days*, there to remain at his or her own proper Costs and Charges.

also during the Time of driving such Cart, &c. suffering Horses to go faster than a Foot-pace, or omitting to lead the shaft or Thill-Horse; shall forfeit for every Offence 10s.

Mode of Recovery.

On refusal to pay Fine, to be put to Labour for 4 days in repairing the Streets or High-ways of Charlotte Town.

On refusal to perform Labour, to be committed to Prison for six Days.

II. *And be it further enacted*, That all Parents are hereby made liable for the Offences of their Children, under the Age of Fourteen Years, not being Servants.

Parents of Children under 14 Years liable for Offences.

III. *And it is hereby further enacted*. That all Fines and Penalties incurred by this Act shall be

paid into the Hands of the Overseers of the High-ways within the said District, to be by them applied towards repairing the said Streets or High-Ways.

Application of Forfeiture.

CAP. XV.

An ACT, declaring that Baptism of Slaves shall not exempt them from Bondage.

Repealed by 6th Geo. 4th, c. 7.

CAP. XVI.

An ACT for the Preservation of High-Ways.

Repealed by 36th Geo. 3d, c. 6.

CAP. XVII.

An ACT for the Limitation of Actions, and for avoiding Law-suits.

Be *it enacted, by the Governor, Council, and Assembly*, That all Actions or Suits, either in Law or Equity, at any Time hereafter to be sued or brought of or for any Lands, Tenements, or Hereditaments, within this Island, whereunto any Person or Persons now hath or have any Title, or cause to have or pursue any such Actions or Suits, shall be sued and taken within *Twenty Years* next after the End of this present Session of the *General Assembly;* and after the said *Twenty Years* shall have expired, no Person or Persons, or any of his, her, or their Heirs, shall have or maintain any such Action or Suit, of or for any of the said Lands, Tenements, or Hereditaments; and that all Actions or Suits, either in Law or Equity, of or for any Lands, Tenements, or other Hereditaments whatsoever, at any Time hereafter to be sued or brought, by occasion or means of any Title or Cause hereafter happening, shall be sued and taken within *Twenty Years* next after the Ti-

Actions for the Recovery of Lands, &c. to be sued within 20 Years next after present Session of Assembly.

tle and Cause of Action first descended or fallen, and at no other time after the said *Twenty Years*; and that no Person or Persons who now hath or have any Right or Title of Entry into any Lands, Tenements, or Hereditaments, now held from him, her, or them, shall thereinto enter, but within *Twenty Years* next after the End of this present Session of the General Assembly, or within *Twenty years* next after any other Title of Entry shall or may have accrued.

Entry into Lands, &c. to be made within 20 years.

II. *And be it further enacted*, That no Person or Persons whatsoever shall at any time hereafter make any Entry into any Lands, Tenements or Hereditaments, but within *Twenty years* next after his, her, or their Right or Title which shall or may hereafter first descend or accrue to the same; and in Default thereof, such Person or Persons not entering in manner aforesaid, and their Heirs, shall be utterly excluded and disabled from such Entry thereafter.

Persons not entering into Lands, &c. within 20 Years, to be excluded.

III. *Provided Nevertheless*, That if any Person or Persons who now are or shall or may hereafter be entitled to such Actions or Suits, or who hath, or shall, or may have such Right or Title of Entry be, or shall be at the time the said Right or Title first descended, accrued, or fallen, within the Age of *Twenty-one years*, *Feme Covert*, *Non-compos Mentis*, imprisoned, or beyond the Seas, that then and in such case such Person or Persons, and his, her, or their Heirs, shall or may, notwithstanding the said *Twenty years* be expired, bring his, her, or their Action or Suit, or make his, her, or their Entry, in like manner as he, she, or they might have done before this Act; so as such Person or Persons, or his, her, or their Heirs, shall, within *Ten years* next after his, her, or their full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or coming into this Island, or Death, take the Benefit of, and sue for the same, and at no Time after the said *Ten* Years.

Saving Clause to Infants, &c.

IV. *And be it further enacted*, That all Actions of Trespass, *Quare Clausum fregit*, all Actions of Trespass, Detinue, Action of Trover, and Replevin for taking away of Goods and Cattle; all Actions of Account, and upon the Case, (other than such accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors, and Servants;) all Actions of Debt grounded upon any Lending or Contract without Specialty; all Actions of Debt for Arrearages of Rent; and all Actions of Assault, Menace, Battery, Wounding, and Imprisonment, or any of them, which shall or may be sued or brought at any time after the End of this present Session of the General Assembly, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; that is to say, the said Actions upon the Case (other than for Slander) and the said Actions for Account, and the said Actions for Trespass, Debt, Detinue, and Replevin for Goods or Cattle, and the said Action of Trespass *Quare Clausum fregit*, within *Three Years* next after the End of this present Session of the General Assembly, or within *Six Years* next after the Cause of such Actions or Suits, and not after; and the said Actions of Trespass, Assault, Battery, Wounding, Imprisonment, or any of them, within *Six Months* next after the End of the present Session of the General Assembly, or within *One Year* next after the Cause of such Actions or Suits, and not after; and the said Action on the Case for Words, within *Three Months* after the End of the present Session of the General Assembly, or within *Six Months* next after the Words spoken, and not after.

The limitation of certain personal Actions.

V. *And be it further enacted*, That if on any the said Actions or Suits Judgment be given for the Plaintiff, and the same be reversed by Writ of Error; or if a Verdict pass for the Plaintiff, and upon Matter alledged in arrest of Judgment, the Judgment be thereupon given against the Plaintiff, that he or she take Nothing by his or

Their Limitation after Judgment or Outlawry reversed.

her Plaint, Writ or Bill; or if any of the said Actions be brought by Original, and the Defendant therein be outlawed, and shall afterwards reverse the Outlawry; that in any or all such Cases the Party Plaintiff, his Heirs, Executors or Administrators (as the Case may require,) may commence a new Action or Suit, from Time to Time, within *One Year* after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

After Judgment or Non-suit in Quare Clausum fregit, the Plaintiff barred to renew the Suit.

VI. *And be it further enacted,* That in all Actions of Trespass, *Quare clausum fregit,* hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his, her, or their Plea, to make any Title or Claim to the Land in which the Trespass is, by the Declaration, supposed to be done; and the Trespass be by Negligence or involuntarily done, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence or involuntarily done, and a Tender or Offer of sufficient amends for such Trespass before the Action brought; whereupon or upon some of them the Plaintiff or Plaintiffs shall be enforced to join Issue. And if the said Issue be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs be non-suited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and from all other suits concerning the same.

In Actions of Trespass, Assault and Slander, no more Costs than Damages to be given.

VII. *And be it further enacted,* That in all Actions of Trespass, Actions for Assault and Battery, and in all Actions for slanderous Words, to be sued or prosecuted by any Person or Persons whatsoever, after the End of the present Session of the General Assembly, if the Jury upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under *Forty Shillings,* that then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages, so given or assessed, amount unto, without any further Increase of the same. *Provided* the Judge,

at the Trial of any Action of Assault and Battery, or Action of Trespass, shall and do certify, under his Hand, upon the Back of the Record, that the Assault was sufficiently proved; or that the Freehold and Title of the Land mentioned in the Plaintiff's Declaration was chiefly in Question; or that the Trespass was voluntary and malicious; that then the Plaintiff, in such case, shall recover his full Costs, though the Jury should find Damages to be under *Forty Shillings.*

unless the Judge certify, &c.

VIII. *Provided nevertheless,* That if any Person or Persons that is or are, or that shall or may be entitled to any such Action of Trespass, Detinue, Action of Trover, Replevin, Action of Account, Debt, Trespass for Assault, Menace, Battery, Wounding or Imprisonment, Actions on the Case for Words, be, at the time of any such cause of Action, given or accrued, within the Age of *Twenty-one years, Feme Covert, non compos Mentis,* imprisoned, or beyond the Seas; in any or either of which Cases, such Person or Persons shall or may be at Liberty to bring the same Actions, so as the same be done within such Times as are herein before limited after their coming to or being of full age, Discovert, of sane Memory, at large, and returned from beyond the Seas, as by other Persons having no such Impediment should or might be done.

Proviso, in case of Non-Age, Feme Covert, non compos Mentis, &c.

Actions against Persons beyond the Seas, may be brought after their return.

IX. *And be it further enacted,* That if any Person or Persons against whom there is, shall or may be any Cause of Suit, or Action of Trespass, Detinue, Trover, or Replevin, for taking away any Goods or Cattle, or of Action of Account, or upon the Case, or of Debt grounded upon any Lending or Contract without Speciality, of Debt for arrearages of Rent, or Assault, Menace, Battery, Wounding and Imprisonment, or any of them, be, at the time of such Cause of Suit or Action given or accrued, beyond the Seas; that then such Person or Persons who are or may be intitled to any such Suit or Action shall be at Liberty to bring the said Action against such Person or Persons, after their Return from beyond the Seas, so as

they commence the same within such time after their Return, as are respectively limited for the bringing of the same by this Act.

Anno Vicesimo Quinto Regis Georgii III.

1785.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-first day of March, Anno Domini, One Thousand, Seven Hundred and Eighty-five, and in the Twenty-fifth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the First Session of the Fourth General Assembly convened in the said Island.

W. PATTERSON, Lt. Governor.

P. STEWART, President of Council.

A. FLETCHER, Speaker.

CAP. I.

An ACT to explain, alter and amend an ACT made and passed in the Twentieth Year of His present Majesty's Reign, intituled, "An Act appointing the recording all DEEDS of SALE, CONVEYANCES and MORTGAGES."

Acts in amendment or addition to this Act, 41st Geo. 3d, c. 5. 49th Geo. 3d, c. 4. Repealed by 3d Will. 4th, c. 10.

WHEREAS some doubts have arisen with respect to that part of the above-mentioned

Preamble.

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Act, appointing all Deeds of Sale, Conveyances and Mortgages, (there not having been a Time specified therein, when such Deeds executed any where, except in *Great Britain, Ireland* and this *Island*, should be recorded,) and it being thought necessary to enlarge the Purview and Operation of said act:

Deeds, &c. of longer duration than 20 Years, not executed within this Island, to be registered within two Years after their respective Dates; otherwise not to have any Force against *bona fide* Purchasers.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly*, That all Deeds of Sale, Conveyances, Mortgages, Deeds Poll, and Leases, (such Leases being of longer duration than *Twenty years*) of any Lands in this Island, and not executed within the same, be, and they are hereby directed and required, wheresoever they may have been executed, to be recorded in manner as is directed in and by this Act, and by the said other Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled, *An Act appointing the recording all Deeds of Sale, Conveyances and Mortgages*, within the Space of Two Years from and after their respective Dates; and all such Deeds of Sale, Conveyances, and Mortgages as shall not have been recorded within the said Two Years shall be Null and Void against Purchasers who shall have complied with the directions contained in this Act, and the said herein before in part recited Act.

All Deeds, &c. executed in Great Britain, &c. to be registered,

II. *And be it further enacted*, That the Register of this Island, or his Deputy, shall and may duly register all such deeds of Sale, Conveyances, Mortgages, Deeds Poll, and Leases (being of longer duration than *Twenty Years*) of any Lands in this Island, as shall have been made and executed in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies or Plantations, or other his Dominions distant from this Island, although none of the Witnesses thereto should come before the Register, or his said deputy, to prove the same.

Provided the Execution thereof shall appear to such Register, or his Deputy, either to have been acknowledged, in due Form of Law, by the Grantor himself named in such Deeds of Sale, Convey-

ances, Mortgages, Deeds Poll, and Leases, or to have been proved by the Oath of one of the subscribing Witnesses thereto, before some or one of His Majesty's Justices of the Peace where such Deeds of Sale, Conveyances, Mortgages, Deeds Poll, and Leases shall have been executed, and to be duly attested by such Justice: and such Attestation, being also authenticated, (if in the Plantations,) under the Hand and Seal of the Governor, Lieutenant Governor or Commander in Chief of the Province or Government where the same shall or may be made, or of a *Public Notary* there residing; and, if in *Great Britain, Ireland,* or elsewhere under the Dominions of His Majesty, then under the *Public Seal* of some Corporation there, or by the Attestation and Certificate of some *Notary Public* lawfully constituted and resident there, certifying that such Person, so subscribing as a Justice of the Peace, is really and truly so, and that Faith and Credit is and ought to be given to all such his Attestations.

on Proof of the Execution thereof, &c.

III. *And whereas,* There is no Provision made in the before-mentioned Act relative to the recording of Leases of a longer duration than *Ten Years,* as also all other Writings, (except Deeds of Sale, Conveyances and Mortgages;) and inasmuch as by said Act it is directed and required that all the Instruments last mentioned shall be recorded at full length in the Register's Office; wherefore for the further enlargement of said Time, and for giving a right of choice to the Parties concerned:

Preamble.

Be it further enacted, That all Deeds of Sale, Conveyances, and Mortgages, as also all Mesne or subsequent Deeds of Settlement or Conveyances, of what nature or kind soever, Deeds Poll, Leases or Agreements, (being of longer duration than *Ten Years*) of or concerning any Lands, Tenements or Hereditaments in this Island, which have been, or which hereafter may be executed therein, shall, from and after the Publication hereof, from time to time, be produced to, and left with, the Register of the Island, or his sworn deputy

All Deeds Poll, Leases, &c. of longer duration than Ten Years, executed on this Island,

shall be left with the Register, &c.

or a Memorial thereof, within the time limited by former Act "appointing the recording all Deeds, &c."

for the time being, by the Possessor thereof, or his, her or their Attorney or Attornies, or a Memorial thereof duly executed in order to their being registered, after their or any of their respective dates within the times limited and appointed for Deeds executed on this Island, in and by said herein before in part recited Act, and the same shall be accordingly registered in the said Register's Office in such manner as is directed by this and said herein before in part recited Act.

Register constantly to keep, for the purpose of registering all Deeds, &c. a particular folio Book &c.

IV. *And be it further enacted*, that the Register, or his deputy, shall constantly keep, for the purpose of registering all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or other Conveyances of what nature soever, Deeds Poll, Leases or Agreements (being of longer duration than *Ten Years)* of or concerning any Lands, Tenements or Hereditaments in this Island, a FOLIO Book, containing, at least, five Quires of Imperial Paper, neatly bound in Calf, and lettered, with an Index and Alphabet to each.

All Deeds, &c. executed within this Island, or a Memorial thereof, to be registered on Proof, &c. as directed.

V. *And be it further enacted*, That the Execution of all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyances of what Nature or kind soever, Deeds Poll, Leases or Agreements (being of longer duration than *Ten Years)* which have been, or hereafter shall be made of or concerning any Lands, Tenements, or Hereditaments within this Island, or a Memorial thereof, shall be proved before the said Register, or his Deputy as aforesaid, either by personal Acknowledgement of the Grantor, Vendor, Mortgager, or Lessor respectively named in such Deeds of Sale, Conveyances, Mortgages, deeds of Settlement or Conveyance of what Nature or Kind soever, Deeds Poll, Leases or Agreements of longer duration than *Ten Years*, of or concerning any Lands Tenements, or Hereditaments in this Island, or by Oath, which the said Register, or his deputy, are hereby severally empowered to administer to one or more of the subscribing Witnesses to the same, or the Memorials thereof;

Register, &c. empowered to administer Oath to subscribing Witnesses, &c. of due Execution Registry of which to be endorsed on the Back of Deeds &c. so produced and proved, also signed by the Register, &c. shall be allowed as Evidence, &c. in any of His Majesty's Courts of Record.

which Acknowledgment, or Proof of the due Execution thereof, shall be endorsed on the back of each and every of them so produced and proved, as also signed by the Register, or his deputy as aforesaid: which Endorsement shall be allowed as Evidence of the due Execution of any deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyance of what Nature or Kind soever, Deeds Poll, Leases, or Agreements of longer duration than *Ten Years*, of or concerning any Lands, Tenements, or Hereditaments within this Island, in any of His Majesty's Courts of Record that now are, or which hereafter shall or may be, established in this Island. And all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyance of what Kind or Nature soever, deeds Poll, or Leases or Agreements, of longer duration than *Ten years*, of or concerning any Lands, Tenements, or Hereditaments, in this Island, or a Memorial thereof, shall, within the time limited in and by said herein before in part recited Act, next after the respective dates thereof, be registered in said Office in Words at full Length, either by recording the whole or a Memorial thereof; the same to be at the Option of the Parties concerned: and for Want of such Registry, all such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyances of what Nature or Kind soever, Deeds Poll, Leases, or Agreements, of longer duration than *Ten years*, of or concerning any Lands, Tenements, or Hereditaments in this Island, shall be adjudged fraudulent and of no Force or Effect, as is directed in and by said herein before in part recited Act.

All Deeds, &c. or a Memorial thereof, executed on this Island, shall be registered within the time limited by former Act.

All Deeds, &c. or a Memorial thereof, to be registered in Words at full length.

All Deeds, &c. for Want of such Registry within the Time limited aforesaid, shall be adjudged fraudulent and of no Effect.

VI. *And be it further enacted*, That all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyances of what Nature or Kind soever, Deeds Poll, Leases, or Agreements of longer duration than *Ten years*, of or concerning any Lands, Tenements, or Hereditaments in this Island, or a Memorial thereof, which are to be

All Deeds, &c. or a Memorial thereof, to be registered as aforesaid,

shall be certified on the back by the Register, &c. in the presence of the Person presenting the same, the said endorsement to contain the Year, &c when such Deeds, &c. or Memorial thereof, were respectively registered

registered as aforesaid, shall be certified on the Back thereof by the Register, or deputy Register, and signed by him in the presence of the Person presenting the same, containing the Year, Month, Day of the Month, and Hour of the day, when such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyance of what Kind or Nature soever, Deeds Poll, Leases, or Agreements of longer duration than *Ten years*, of or concerning any Lands, Tenements, or Hereditaments within this Island, or a Memorial thereof, were respectively registered: Which Certificates, with a fair Copy of whatever may be registered as aforesaid in pursuance of this Act, and extracted from the said Book of Registry, and duly authenticated by said Register, or his deputy, (which Certificate, in case of the Original of such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyances of what Kind or Nature soever, Deeds Poll, Leases, or Agreements of longer duration than *Ten Years*, of or concerning any Lands, Tenements, or Hereditaments in this Island, being lost) shall be admitted and allowed as legal Evidence in any of the said Courts of Record in this Island where the same shall or may be produced; and every Page of such registry Book shall be numbered, and the Year, Month, Day of the Month, and Hour of the day, when such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement, or Conveyances of what Kind or Nature soever, Deeds Poll, Leases, or Agreements of longer duration than *Ten years*, of or concerning any Lands, Tenements, or Hereditaments in this Island, or a Memorial thereof, were registered, shall be entered in the Margin of the said Book by the said Register or his deputy; and who shall duly register every Deed as aforesaid, in the same order they respectively come to his hands,

which certificate, with a fair Copy of whatever has been registered as aforesaid, and duly authenticated by Register, &c.

to be admitted as legal Evidence in any Court of Record where the same may be produced.

Pages of Registry Books shall be numbered, and the Year, &c. when such Deed, or Memorial thereof, were registered, shall be entered in the Margin of the said Book by the Register, &c. who is duly to register every Deed as aforesaid in the same Order they respectively come to his Hands.

VII. *And be it further enacted*, That nothing in this Act, nor any thing herein contained, shall extend, or be construed to extend, to bar the Title

of any Minor, *Feme Covert*, or Person *Non compos Mentis*, imprisoned, or absent from the Island: But they shall or may be entitled to sue for and recover any Lands, or Tenements, within this Island, to which they are respectively intitled, within *Two Years* next after such Impediment shall have been removed; any thing in the said Act to the contrary in any wise notwithstanding.

Minors, &c. may sue within two Years after Impediment removed.

VIII. *And be it further enacted*, That if any Person shall forge or counterfeit any such Certificate as is herein before directed, and shall be thereof convicted in due course of Law, such Person shall be liable to the same Penalties as are imposed upon such Offenders in that Part of *Great Britain*, called *England*, for forging of any false Deed or Writing sealed. And if any Person or Persons shall forswear him or herself before the said Register, or his deputy, and be thereof duly convicted, such Person or Persons shall be liable to the same Penalties as if the same Oath had been voluntarily and corruptly made in a Cause depending in any of the Courts of Record that now are or hereafter shall or may be established in this Island.

Persons forging Certificates, &c. liable to the punishment inflicted upon such Offenders in England.

Perjury before Register or Deputy, how to be punished.

IX. *And be it further enacted*, That this Act, and the said herein before in part recited Act, shall be taken and allowed in all Courts that now are or hereafter shall or may be within this Island, as public Acts: and all Judges, Justices, and other Persons herein concerned, are hereby required to take Notice thereof, without specially Pleading the same.

Public Act.

CAP. II.

An ACT to explain, alter, amend and reduce into one Act, an ACT made and passed in the Twentieth Year of His present Majesty's Reign, intituled "An Act to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors."

This Act did not receive His Majesty's Approbation.

CAP. III.

An ACT to alter and amend so much of an ACT made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, "An ACT to explain, amend, and render into one Act, all the Laws now in Being for the Purpose of making and repairing Highways in this Island," as relates to the Time appointed by said Act for performing Statute Labour, and some further Regulations as to the Payment and Duty of Overseers of the High-Ways.

See Note on 14th Geo. 3d, c. 4.

CAP. IV.

An ACT to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other distilled Spirituous Liquors; and for allowing a Drawback upon all Wines, Rum, Brandy, and other distilled Spirituous Liquors, exported from this Island.

For Acts respecting the Revenue of the Island see 35th Geo. 3d, c. 10.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs, and Successors, to and for the public uses of this Island, and towards the support of His Government therein, by the Importers of all Wines, Rum, Brandy, and other distilled Spirituous Liquors, which shall or may be imported, or by any Ways or Means brought into this Island, the several Rates and duties as follows, viz. For every Gallon of Wine, the Sum of *Six-pence,* as also for

After Publication, there shall be paid to His Majesty, His Heirs and Successors, for the public Uses of this Island by Importers of Wine, Rum, &c.

every Gallon of Rum, Brandy, or other distilled Spirituous Liquors, in Lieu of all former Duties, the said Sum of *Six-pence.*

Wine 6d per Gallon, Rum, Brandy, & other distilled Spirituous Liquors, 6d per Gallon.

II. *And be it further enacted,* That all the Rates, Duties and Imposts before mentioned, shall be paid in lawful Money of this Island (being at the Rate of Five Shillings *per Spanish* milled Dollar) by the Importer or Importers of any such Wine, Rum, Brandy, or other distilled Spirituous Liquors unto the Collector and Receiver, or Collectors and Receivers for the time being, appointed for entering and receiving the same, at or before the landing thereof: *Provided nevertheless,* that when the Duty to be paid by any Importer or Importers of such Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall amount to a Sum exceeding *Ten Pounds,* and not more than *Fifty Pounds,* the said Collector and Receiver, or Collectors and Receivers of the said Duties, is or are hereby authorised to give Credit for the Payment thereof for the Space of *Three Months.* And in like Manner, if the said Duties shall exceed the Sum of *Fifty Pounds,* and not amount to more than the Sum of *One Hundred Pounds,* the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorised to give Credit for Payment thereof for the Space of *Six Months:* And if the said Duties shall exceed the Sum of *One Hundred Pounds,* then he or they are hereby further authorised to give Credit for the Payment thereof for the Space of *Nine Months.*

To be paid at landing if under 10*l.*

If above 10*l.* and not exceeding 50*l* Credit to be given to pay in Three Months.

If above 50*l.* and not exceeding 100*l.* Credit for Payment in Six Months.

If above 100*l.* security to be given to pay in Nine Months.

III. *Provided always,* That sufficient Security be given for the Payment of the said Duties within the said several Times so as aforesaid limited for the Payment thereof.

Sufficient Security to be given for Payment of Duties within the limited Times.

IV. *And be it further enacted,* That all Masters of Ships, coasting, fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or on any Part of the Coasts of this Island, and its Dependencies, shall before breaking Bulk, and within *Twenty-four Hours* after his or their Arrival, make Report, in Writing, and upon

Masters of Vessels to report their Cargoes to the Collectors before breaking Bulk, and to take the following Oath.

Oath, to the Collector and Receiver, or Collectors and Receivers of the Duties for the time being, of all Wine, Rum, Brandy, or other distilled Spirituous Liquors, on board the said Ship or Vessel, specifying therein the kind of Casks or other Vessels in which the same shall be contained, together with the Marks and Numbers thereof and that they have not landed, or suffered to be landed, sold, bartered, or exchanged, any Wine, Rum, Brandy, or other distilled Spirituous Liquors, at any Port or Place within this Island, or on the Coasts thereof, since their sailing from the Port or Place where the same were laden on board the said Ship or Vessel for Exportation: Which Oath the said Collector and Receiver, or Collectors and Receivers, is or are hereby empowered to administer in the Form following, viz.

Form of Oath.

"YOU A. B. do swear, that the Report which "you have now made, read, and subscribed, "contains a just and true Account of all the Wine, "Rum, Brandy, and other distilled Spirituous "Liquors, laden on board the
"at and that you have not landed, nor "suffered to be landed, sold or delivered, bartered "or exchanged, any Wine, Rum, Brandy, or other "distilled Spirituous Liquors, at any Port or Place "within this Island, or on the Coasts thereof, since "your sailing from

All Wine, &c. not duly entered and found on board any Vessel after entry made, shall be forfeited.

V. *And be it further enacted,* That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors (not being duly entered) be found on board any such Ship or Vessel, after such Entry made, the same is hereby declared forfeited and lost, and shall or may be seized by the Collector and Receiver, or Collectors and Receivers, or either of them, or by any of the Land-Waiters or Gaugers, as forfeited Property.

No post Entry shall be made but by the Master of the Vessel.

VI. *And be it further enacted,* That no post Entry of any Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be permitted to be made by such Collector and Receiver, or Collectors and

Receivers of the said Duties, by any Person whatever, except by the Master of such Ship or Vessel; and that within *Twenty-four Hours* after the same shall have arrived.

Upon Information, the Collectors, &c. to search for and seize Wine &c. remaining on board, not duly entered.

VII. *And be it further enacted*, That upon Information made to the said Collector and Receiver, or Collectors and Receivers, or to any or either of them, that any Wine, Rum, Brandy, or other distilled Spirituous Liquors, do still remain on board any Ship or Vessel (the same not having been duly entered,) it shall and may be lawful for the said Collector and Receiver, or Collectors and Receivers, or any or either of them, or for any or either of the said Land-Waiters or Guagers, by their orders, to enter on board such Ships or Vessels, and there to search for, and seize as forfeit, all such Wine, Rum, Brandy, and other distilled Spirituous Liquors, so remaining on Board the same, and not being duly entered as aforesaid.

All Wine, &c. landed after Entry, and not contained in Master's Report, forfeited, or the Value thereof;

VIII. *And be it further enacted*, That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be landed from on board such Ship or Vessel, after Report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then, and in such case, all such Wine, Rum, Brandy, or other distilled Spirituous Liquors, or the Value thereof (the same to be estimated at the highest price such Commodities shall or may respectively then bear,) shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the Time being, or by any or either of the said Land-Waiters or Guagers.

and if concealed or stove to prevent seizure, the Master of the Vessel, &c. shall pay the Value.

And if such Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be concealed or stove, so as that Seizure cannot be made of the same, then the Master of such Ship or Vessel, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed or stove, shall, on being duly convicted

therefor, pay the Value thereof according to the aforesaid Estimate.

IX. *And be it further enacted*, That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be found on board any Ship or Vessel, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered, or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship or Vessel shall refuse or neglect to conform strictly to the Directions prescribed in and by this Act; in either of such Cases he shall on Conviction thereof by the Oath of one credible Witness, forfeit and pay a Fine not exceeding *One Hundred Pounds*,

Masters of Vessels refusing obedience to this Act, shall forfeit 100*l.*

X. *And be it further enacted*, That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors shall be landed from on board any Ship or Vessel, contrary to the Rules prescribed in and by this Act, and found in the Custody, Possession, Care or Keeping, of any Person or Persons whatever on shore, (not having a Permit therefor) the same shall be forfeited, and the Person or Persons with whom the same shall or may be found, shall forfeit the Sum of *Fifty Pounds*, unless he, she, or they shall be able to prove the same to have been legally entered and landed.

All Wines, &c. landed contrary to this Act, and found in the Custody of any Person on Shore, (not having a Permit) shall be forfeited, and such Person shall forfeit 50*l.*

XI. *And be it further enacted*, That if any Person or Persons whatsoever shall knowingly be aiding or assisting in the clandestine landing, or concealing any Wine, Rum, Brandy, or other distilled Spirituous Liquors, in order to avoid Payment of the Duties to which the same are made liable by this Act, he, she, or they shall, upon Conviction thereof, by the Oath of one or more credible Witness, forfeit and pay the Sum of *Fifty Pounds*, or suffer *Six Months* Imprisonment, without Bail or Mainprize.

Persons, &c. assisting in the clandestine landing of any Wine, &c. shall forfeit 50*l* or suffer six Months imprisonment.

XII. *And be it further enacted*, That no Wine, Rum, Brandy, or other distilled Spirituous Liquors, which by this Act are made liable to a Duty, shall be landed or delivered from on board any

Wine, &c. not to be landed but

Ship or Vessel, or afterwards put into any Ware house, or other Place, (except in the day-time, that is to say, after Sunrise and before Sunset of the same Day) unless the same be done in the presence and with the consent of the said Collector and Receiver, or Collectors and Receivers, for the time being, on pain of forfeiting all such Liquors, and all and singular the Lighters, Boats, or other Vessels which shall or may be employed in Landing the same, together with the Trucks, Carts, and Horses which may be employed in conveying the same away.

in the Day time, unless by consent of the Collectors, on Penalty of being forfeited, with the Vessels, Trucks, &c. employed therein.

XIII. *And be it further enacted*, That the Master of any Ship or Vessel importing any Wine, Rum, Brandy, or other distilled Spirituous Liquors as aforesaid, shall be, and he is hereby made liable to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid by the Person or Persons to whom such Wine, Rum, Brandy or other distilled Spirituous Liquors are or shall be consigned: And it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his Hands and Possession, or to deliver to the said Collector and Receiver, or Collectors and Receivers, for the Security of such Duties, all such Wine, Rum, Brandy, or other distilled Spirituous Liquors, as shall not have been duly entered: which said Collector and Receiver, or Collectors and Receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same, at the Owner's risk, until the Duties due thereon, with the Charges, have been paid. And if the Duties due and payable on such Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall not be paid, or secured to be paid, by the Owner or Owners thereof, within the space of *Three Months*, then, and in such case, the said Collector and Receiver, or Collectors and Receivers, is or are hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also the Freight, Charge of Custody, and Sale thereof.

Masters of Vessels liable to the Duty for Wine, &c. not duly entered nor the Duties paid for;

and may detain such Wine, &c. or deliver the same to the Collectors to secure the Duties.

Vessels may be attached unless the Master give Security to abide the Judgment.

XIV. *And be it further enacted,* That in case any Master of any Ship or Vessel shall be prosecuted for a Violation of this Act, such Ship or Vessel in which the said Wine, Rum, Brandy, or other distilled Spirituous Liquors may have been imported, shall be subject and liable to be attached to answer the final Judgment which shall or may be given in consequence of such Prosecution, unless the said Master shall and do enter into Recognizance, with sufficient Sureties, to answer such final Judgment.

Preamble, relating to Persons importing for their own Use.

XV. *And Whereas,* doubts have arisen, whether Wine, Rum, Brandy, or other distilled Spirituous Liquors, brought into this Island by Persons for the consumption of the Inhabitants thereof, and not for Sale, are or ought of Right to be liable to the Rates, Duties, and Impost, which are by Law payable on other Wine, Rum, Brandy, or other distilled Spirituous Liquors imported or brought into this Island:

All Persons bringing in, or causing to be brought in, any Wine, &c, for their own consumption, to render an Account thereof, and pay the Duties.

Be it therefore further enacted, That all and every Person or Persons bringing, or causing to be brought, into this Island any Wine, Rum, Brandy, or other distilled Spirituous Liquors, for their own consumption, shall, from and after the Publication hereof, render a just and true Account or Manifest of the same to the said Collector and Receiver, or Collectors and Receivers, in such manner, and within such time, as are prescribed by this Act on Entries made in other cases; and also pay, or secure to be paid, the same Rates, Duties and Impost, imposed or laid by this Act on other Wine, Rum, Brandy, and other distilled Spirituous Liquors; and on Failure thereof, they are hereby subjected to the like Penalties and Forfeitures as are inflicted on other Breaches or Violations of this Act.

Governor, with Advice of His Majesty's Council, to appoint Collectors.

XVI. *And be it further enacted,* That it shall or may be in the power of the Governor, Lieutenant Governor, or Commander in Chief for the time being, with the Advice of His Majesty's Council, to appoint a proper Person to be Collector and Re-

ceiver of the several Rates, Duties, and the Impost herein before mentioned, for the port of *Charlotte-Town*, and for every other Port in this Island where he and they shall or may think expedient and necessary for the effectually carrying into Execution this Act: each and every of which Person or Persons, appointed as aforesaid, is or are to give approved Security payable to His Majesty, His Heirs and Successors, in such Amount as he and they shall, from time to time, judge sufficient to effect the faithful discharge of the Trust reposed in such Persons: also in like manner to appoint Surveyors or Land Waiters for the said Port of *Charlotte-Town*, and such other Ports as may by him and them be judged necessary for the purposes aforesaid: And in the presence of some one of them, or in the presence of the Collector and Receiver, or Collectors and Receivers aforesaid, or any or either of them, all Wine, Rum, Brandy, or other distilled Spirituous Liquors shall be landed at the said several Ports, and be duly guaged at the time the same shall have been so landed, in manner as is herein before prescribed. And all Wine, Rum, Brandy, or other distilled Spirituous Liquors, which shall or may be landed in this Island, contrary to the Intent and Meaning of this Act, shall be forfeited, and shall and may be seized and prosecuted by such Collector and Receiver, or Collectors and Receivers, or any or either of them, or by any or either of the said Surveyors or Land-Waiters.

Persons so appointed to give approved Security.

Governor, in like manner, to appoint Surveyors and Land-Waiters.

Their Duty.

Wine, &c. landed contrary to this Act, shall be forfeited.

XVII. *And be it further enacted*, That in case any Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be landed in any Port or other Parts of this Island, without being regularly entered, and the Duties paid thereon as above directed, and the Importer or Importers of the same shall have quitted the Island before the Collector and Receiver of the said Rates, Duties, and Impost, shall have had Notice thereof; then, and in such case, the Purchaser or Purchasers thereof shall be liable to the Payment of the Duties due and pay-

Wine, &c. landed without being regularly entered and Duties paid, and the Importers of the same having quitted the Island before Collector, &c. had Notice thereof; the purchaser of such Wine, &c. shall be liable to the Payment

of the Duties of the same—also a Penalty equal to Amount of Duties

able thereon, and of a further Sum (being equal to the Amount of the said Duties) as a Penalty for purchasing the same before Entry, with an Intent to elude the Payment of the said Duties.

Agents for Vessels taken as Prizes, or seized, to render to Collectors, &c. a true Account of the Contents of the Cargo liable to Duty,

XVIII. *And be it further enacted,* That all Agents or other Persons concerned for Vessels taken as Prizes, or for Vessels seized for illegal importation, shall, immediately on their arrival, deliver to the said Collectors and Receivers respectively, a true Account, upon Oath, of the Contents of the Cargo so taken or seized, (the same being liable to the Duties imposed by Law in this Island) and delivered into their Care: And if the true Contents of the said Cargo shall or may be then unknown to such Agent or Agents, or other Person or Persons concerned as aforesaid, then, and in such case, he or they shall respectively make Oath to render a true and faithful Account of the said Cargo when the same shall have come to his or their knowledge, so that the Duties due thereon may be accurately ascertained, under the Penalty of forfeiting *One Hundred Pounds* for each and every Offence.

on Penalty of 100*l.*

Prize Rum, &c. subject to Duties.

XIX. *And be it further enacted,* That all Wine, Rum, Brandy, and other distilled Spirituous Liquors, which shall or may be brought into any Port or Place in or belonging to this Island, as Prize, or which shall or may be condemned therein as such, at any time from and after the Publication hereof, shall be subject to all and singular the several Rates, Duties, and the Impost imposed or laid by this Act. And the Marshal of the Court of Vice Admiralty, or his Deputies, as well as all Auctioneers or Vendue Masters in this Island, is and are hereby directed not to deliver any such Wine, Rum, Brandy, or other distilled Spirituous Liquors, which may have been sold by him or them respectively, at Public Auction, or otherwise, to the Purchaser or Purchasers thereof, without a Permit first had and obtained therefor from the said Collector and Receiver, or Collectors and Receivers, and before he or they shall have rendered a

Marshal of Vice Admiralty, Auctioneers, &c. shall not deliver Wine, &c. without Permit, and shall render, upon Oath an Account thereof,

true and perfect Account to such Officer or Officers, or some One of them, upon Oath, of the Quantity of all such Wine, Rum, Brandy, or other distilled Spirituous Liquors, which he or they shall or may have so sold, and of the Names of the Persons to whom the same were so sold, under the Penalty of forfeiting the Sum of *Two Hundred Pounds* for each and every Offence.

on Penalty of 200*l.*

XX. *And be it further enacted,* That from and after the Publication hereof, there shall be allowed on all Wine, Rum, Brandy, or other distilled Spirituous Liquors, which shall have been already imported, or which shall or may in future be imported into this Island, on Exportation of the same therefrom, a Draw-back of *Four-pence per* Gallon out of the whole Duty paid, or secured to be paid thereon, on Importation thereof.

Draw-back of 4d. per Gallon on Wine, &c. exported.

XXI. *And be it further enacted,* That the Draw-back on all such Wines, Rum, Brandy, or other distilled Spirituous Liquors so exported, shall be paid to the Exporters thereof, within one Month next after the same shall have been exported: That is to say, if the said Duties have been, prior thereto, *bona fide* paid; but if not, then the Security given for the same shall be returned, or Credit given on the Back thereof for the quantity so exported. And the said Exporters are also severally to give Bond, with One sufficient Surety, to the Treasurer of this Island, in double the Amount of the Drawback so claimed, conditioned to deliver, within *Eighteen Months* after the time of such Exportation (the Dangers of the Seas and Enemies only excepted,) a Certificate from the principal Officer of His Majesty's Customs of the Port to which the same shall or may be carried, or from some other Officer there duly authorized thereto, expressing such Goods to have been actually landed; together with a further Certificate from the said Collector and Receiver, or Collectors and Receivers, or either of them, that the Duties due and payable thereon have been truly paid, or secured to be paid, before such Exportation,

Draw-back to be paid within one Month after Exportation of Wines, &c.

that is, if Duties have been paid prior to Exportation; otherwise Security to be returned, or Credit given on the back thereof, for the quantity exported.

Bond, with one Security, to produce Certificate of landing.

agreeable to the Rates prescribed and charged in and by this Act: And the said Collector and Receiver, or Collectors and Receivers, or either of them, are hereby permitted to take such Certificates in Payment of any Duties to be paid by the Importers of any of the said Liquors. And for the better and more effectually preventing Frauds herein, the following Oath shall be taken for the future, by all Exporters of such Liquors (and which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby respectively required to administer) in the presence of the Master of the Ship or Vessel on board of which the same shall or may be taken, to the end that such Master may not pretend to be ignorant of any part of his Duty, as directed and prescribed in and by this Act, viz.

Oath prescribed to be taken by Exporter.

Collector empowered to administer Oath.

"YOU A. B. do swear, that the Quantity of " by you shipped for Exportation, on "board the Master, bound for was "*bona fide* imported in the Master, since the " Day of and that the Duties for the "same have been paid, or secured to be paid, as "by Law is required; and that the same is not in-"tended to be fraudulently relanded in or at any "Port or Place within this Island, or any of the "Territories thereunto belonging."

Form of Oath.

XXII. *And be it further enacted,* That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be fraudulently relanded in or at any Port or Place in this Island, after the same shall have been shipped for Exportation, the same shall be forfeited, together with the Ship or Vessel out of which such Liquors shall have been so fraudulently re-landed.

Wine, &c. fraudulently relanded, to be forfeited,

with the Vessel.

XXIII. *And be it further enacted,* That no Naval Officer at any of the Ports in this Island shall give Clearances or Papers to the Master of any Ship or Vessel outward bound, until he shall be certified by the said Collector and Receiver, or Collectors and Receivers, or either of them, that

Naval Officer shall not clear out any Vessel till certified that the

the said Master has complied with the Directions contained in this Act.

Master hath complied with this Act.

XXIV. *And be it further enacted,* That all Wine, Rum, Brandy, or other distilled Spirituous Liquors, which shall have been or may be imported into this Island, and which shall have paid, or on which Security has been given for the Payment of, the Duties hereby imposed, and which shall or may be issued for the Use of His Majesty's Navy, shall be deemed, considered, and taken as exportable Effects within the true Intent and Meaning of this Act, and shall also be entitled to a Drawback of the Duty so paid, or secured to be paid: And the said Collector and Receiver, or Collectors and Receivers, shall pay the same in manner as is herein before directed, or give and surrender up the Security which may have been given for the said Duties, or give Credit for the same as aforesaid.

Draw-back on Wine, &c. issued for the

Use of His Majesty's Navy.

XXV. *Provided always, and be it further enacted,* That no Wine, Rum, Brandy, or other distilled Spirituous Liquors, shall be so issued or delivered for the Use aforesaid, unless the same be done by or under the Authority of a Permit from the Governor, Lieutenant Governor, or Commander in Chief for the time being, of this Island, or the proper Officer by him appointed for that purpose, to be by him granted upon the ground of a Certificate signed by the Captain or Commanding Officer of the Ship or Vessel for whose Use such Liquors may be required; and which said Certificate shall express, that such Liquors are necessary for the Use of such Ship or Vessel. And before such Drawback shall be paid, allowed, or Credited as aforesaid, a Certificate shall be produced from the Treasurer of this Island, certifying that Proof had been made to him, by a Receipt from the Purser, and a Certificate of the Captain and other signing Officers of His Majesty's said Ship or Vessel, that the said Wine, Rum, Brandy, or other distilled Spirituous Liquors, mentioned in the Governor's said Permit, had been actually re-

Manner of proceeding for obtaining the Drawback.

ceived on board the same for the Use aforesaid and for no other Use or Purpose whatever.

Wine, &c. landed after Drawback received or claimed, forfeited—

XXVI. *And be it further enacted.* That if any Wine, Rum, Brandy, or other distilled Spirituous Liquors, for which the above mentioned Drawback shall have been claimed and allowed, shall, after the same have been issued, or pretended to be issued as aforesaid, be landed, or converted to the Use of any Person or Persons whatever on Shore, or for any other Use than that of His Majesty's Navy, the same is hereby rendered forfeit: and the Person or Persons who shall or may be found guilty of committing such Fraud shall forfeit and pay the Sum of *Fifty Pounds.*

And the Person found guilty of the Fraud, fined 50*l.*

Proviso, that Exporter shall not be entitled to any Drawback for a less Quantity than 30 Gallons of Wine, &c. &c.

XXVII. *Provided nevertheless,* That nothing herein contained shall entitle any Exporter or Exporters, in any respect whatsoever, to any Drawback on a less quantity of such Wine, Rum, Brandy, or other distilled Spirituous Liquors, than *Thirty Gallons.*

Collectors, &c. to account quarterly,

XXVIII. *And be it further enacted,* That the said Collector and Receiver, or Collectors and Receivers, for the time being, shall render a just and true Account of, and pay into the Hands of the Treasurer of this Island, all such Monies as shall or may be by him or them respectively received in Virtue of this Act, within *Thirty Days* next after the End of each Quarter, on Penalty of forfeiting *Fifty Pounds* for such his or their Neglect.

on Penalty of 50*l.*

Forfeitures, &c. shall be sued for in any Court of Record.

XXIX. *And be it further enacted,* That all Causes or Trials for Forfeitures and Penalties inflicted on Breaches of this Act shall and may be commenced and prosecuted in any of His Majesty's Courts of Record which now are, or which hereafter may be, established in this Island: And upon Motion duly and regularly made, a Special Jury shall be awarded and summoned to try the Matter in Question, agreeable to the Form and Manner of awarding and summoning special Juries in the Courts of *Westminster* in *Great Britain*: And the Defendant or Defendants in such Suit

Special Juries, if applied for, to be allowed.

Persons claiming, shall pay Costs, if

shall be subject to pay lal Costs, if the Verdict therein given be against him or them.

the Verdict be given against them.

XXX. *And be it further enacted,* That all and singular the Monies arising from such Penalties and Forfeitures, after deducting all expenses of Prosecution taxed against the Defendant or Defendants, shall be one Half to His Majesty, to and for the Uses for which the said Duties are granted, and the other Half to him or them who shall seize, inform, and sue for the same; and that all Prosecutions in Pursuance of this Act shall be commenced within the space of *Twelve Months* from the time of the Offence committed.

Application of Penalties, &c.

XXXI. *And be it further enacted,* That in case it shall happen that any of the Witnesses for supporting any Information or Suit which shall or may be so brought are obliged to leave this Island before the Day appointed for the Trial of the Cause, that then, and in such case, it shall and may be lawful for any one of the Justices of the said Courts, upon Notice given to the above Party to be present, to take the Depositions of the said Witnesses, *de bene esse,* in Writing; which Depositions, being so taken, and also subscribed by the said Justice or Justices, and by the said Witnesses, may be admitted as Evidence to the Jury, upon Trial of such Cause or Suit.

Depositions of Witnesses, *de bene esse,* taken before a Justice, shall be admitted as Evidence on the Trial.

XXXII. *And be it further enacted,* That the Monies arising from the Duties imposed by this Act shall be applied and laid out in making and repairing public Roads and the further establishing Ferries within this Island, and such other Uses to and for His Majesty's Government, as the Governor, Lieutenant Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, shall, from time to time, order and direct, (the said Sums, so to be appropriated, to be issued according to His Majesty's Instructions, by Warrant from the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice aforesaid, for the purposes of the said appropriation:) And if the

Application of the Monies received in Pursuance of this Act.

Sums appropriated, to be issued, according to His Majesty's Instructions, by Warrant.

Treasurer of this Island shall issue or pay any of the said Monies for other Purposes than are herein declared and expressed, he shall forfeit and pay treble the Sum so issued or paid, and be rendered incapable of holding the said Office of Treasurer; the said Forfeiture to be applied to and for the public Uses herein before expressed, and to be recovered in any of His Majesty's said Courts of Record in this Island.

Application of Forfeiture.

XXXIII. *And be it further enacted,* That all the Penalties and Forfeitures arising by operation of this Act, shall and may be recovered by Bill, Plaint, or Information, in any of His Majesty's said Courts of Record in this Island: And the Monies arising from such Penalties and Forfeitures, after deducting all expenses of Prosecution, together with all incidental Charges thereupon, shall be one Half to His Majesty, to and for the Uses for which the said Duties are granted, and the other Half to him or them who shall inform, seize, or sue for the same.

Manner of Recovery of Penalties, &c.

Application thereof.

XXXIV. *And be it further enacted,* That either of the Parties to such Suits, who shall or may be dissatisfied with the Judgment of any Inferior Court in this Island, may appeal thereupon to the said Supreme Court of Judicature—he or they first giving sufficient Security to prosecute such Appeal with Effect, and without Delay, and to abide the Judgment of the Court above.

Appeal from any Inferior Court to Supreme Court.

XXXV. *And be it further enacted,* That the Provisions, Directions, and Regulations in this Act contained, shall be the Rule and Guide of the Collector and Receiver, or Collectors and Receivers, of the said Rates, Duties and Impost, in all Matters incident to their respective Offices, and of the Officers employed by or under them, in collecting and receiving the same. And also that this Act may be pleaded by the Parties to any suit instituted for Breaches or Violations thereof, according to their several and respective Cases; and whereof the Justices of His Majesty's said Supreme Court of Judicature are hereby

This Act to be the Rule and Guide of Collectors, &c.

And on Prosecutions for Fines and Forfeitures.

required to take notice, and govern themselves accordingly; any former Law, Usage, or Custom to the contrary notwithstanding.

XXXVI. *And be it further enacted,* That all and singular the Monies arising by operation of this Act shall be accounted for unto His Majesty, in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Monies arising by this Act to be accounted for to the Commissioners of the Treasury of GreatBritain, and audited by the Auditor General, or his Deputy.

CAP. V.

An ACT in addition to, and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled "An Act prohibiting the sale (by Retail) of Rum, or other distilled Spirituous Liquors, without first having a License for that Purpose, and for the due regulation of such as shall be licensed."

Repealed by 3d Will. 4th, c. 33.

CAP. VI.

An ACT for establishing the Rate of Interest.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That no Person or Persons whatsoever, upon any Contract hereafter to be made, shall take, directly or indirectly, for Loan of any Monies, Wares, Merchandise, or other Commodities whatsoever, above the value of *Six Pounds,* for the forbearance of Interest of *One Hundred Pounds* for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time.

No greater Interest than Six per Cent, per Annum to be taken.

II. *And be it further enacted,* That all Bonds, Contracts, and Assurances whatsoever, for Payment of any Principal or Money to be lent, or co-

If more is taken, Bonds, Contracts, &c. to be void.

venanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of *Six Pounds* in the Hundred as aforesaid, shall be utterly void, and that

Persons who shall take more on any other Contract for Goods,

all and every Person or Persons whatsoever who shall, upon any Contract to be made, take, accept and Receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Interest of any Wares, Merchandise, or other Thing or Things whatsoever, or by any deceitful Ways or Means, or by any Covin, Engine, or Deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year, of and for their Money, or other Thing or Things, above the sum of *Six Pounds* for the forbearing of *One Hundred Pounds* for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose, for every such

to forfeit the whole value.

Offence, the Monies, Wares, Merchandise, and other Things so lent, bargained, exchanged, or shifted; one Moiety thereof to be to the King's

Application of Forfeiture.

Most Excellent Majesty, His Heirs and Successors, for the public Use and Support of His Government on this Island, and the other Moiety to

Manner of Recovery.

him or them who shall or may sue for the same in His Majesty's Supreme Court of Judicature, or in any other of His Majesty's Courts of Record that now are, or which may hereafter be established within this Island, by Action of Debt, Bill, Plaint, or Information; in which no Essoin, Wager of Law, or Protection shall be allowed.

III. *Provided always,* That nothing in this Act shall extend, or be construed to extend, to pre-

Exceptions as to hire of Grain, Cattle, &c.

vent any Person or Persons from contracting and agreeing with each other for the Loan or Hire of any Quantity of Grain of any kind, or for any number of Cows, Horses, Oxen, Heifers, Sheep, Swine, or any other kind of Cattle, nor for Poultry of any kind, upon Halves or otherwise, as the Lender and Hirer may agree; and that no such Dealings shall be accounted Usury—any thing herein contained to the contrary notwithstanding.

IV. *Provided also,* That nothing in this Act shall extend, or be construed to extend, to any Specialty, Hypothecation, Instrument, or Agreement whatever, in Writing, which shall or may be made, entered into, or executed, for any Money lent or advanced upon the Bottom of any Ship or Vessel; any thing herein contained to the contrary notwithstanding.

Further Exceptions as to Hypothecation, Bottomry, &c. &c.

V. *Provided also,* That all Contracts, and Agreements upon Loan at Interest, upon any other Rate heretofore made than is prescribed by this Act, shall be good, valid, and effectual, to all Intents and Purposes whatsoever, in the same manner as if this Act had not been made.

Proviso, that all Contracts, &c. upon Loan at Interest heretofore made, shall be good.

VI. *And be it further enacted,* That all Prosecutions which may be brought for any Offence hereafter done or committed against this Act, shall be brought by the Person or Persons aggrieved, or by any Person or Persons who shall or may sue for the same, within *Twelve Months* from the time the Offence was committed; and it shall and may be lawful for any Person or Persons who shall think themselves aggrieved by any Judgment of any Inferior Court in this Island, to bring his Writ of Error, returnable in His Majesty's Supreme Court of Judicature.

Prosecutions to be brought within Twelve Months.

Persons aggrieved at any Judgment of inferior Court, to bring Writ of Error,

VII. *And be it further enacted,* That the Monies which may arise by Operation of this Act, shall be accounted for unto His Majesty in the Kingdom of *Great Britain,* and to the Commissioners of His Majesty's Treasury, or High Treasurer, for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Monies arising from Forfeiture to be accounted for to His Majesty, &c.

CAP. VII.

An ACT to explain and amend an Act made and passed in the Twenty-First Year of His present Majesty's Reign, intituled, *An Act for the preservation of Highways.*

Repealed by 36th Geo. 3d, c. 6.

CAP. VIII.

An ACT for admitting Depositions *de bene esse*, of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from this Island.

Witnesses in a Cause who are infirm, &c.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That when it shall so happen that any of the Witnesses who may be judged necessary to be produced on the Trial of any Cause between Party and Party shall be infirm, aged, or otherwise unable to travel, or when any such Witness is obliged to leave this Island, it shall and may be lawful for any one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or for any one of the Justices of any other of His Majesty's Courts of Record, that now are or which hereafter shall or may be established therein, where such Cause is to be tried, after due notice in writing hath been given to the adverse Party or Parties, or to his, her, or their Attorney or Attornies, to be present (if he, she, they, or any of them see fit) to take the deposition of such infirm or aged Person or Persons, so unable to travel, or who is or are obliged to leave this Island as aforesaid: And such Depositions, so taken and certified under the Hand and Seal of the Justices of said Courts respectively (before whom such Deposition has been taken,) and sealed up and directed to the Court where such Suit or Action may be depending, shall be received as legal Evidence in such Cause.

Any Justice of Supreme Court, after due Notice to adverse Party, or Attorney, may take the deposition of such Witnesses;

which shall be sealed up and directed to the Court where Cause is to be tried.

II. *Provided*, Proof shall be first made on Oath, that due Written Notice was given to the adverse Party or Parties, or to his, her, or their Attorney, or Attornies, of the Time and Place of taking such Depositions: And each and every such Written Notices shall be duly served, at least *Six Days* previous to the Day appointed for taking such Evid-

Oath to be made of due Notice to adverse Party or Attorney.

ence, if the same should be between the first Day of *May* and the first Day of *November*, in each Year; and if between the first Day of *November* and the first Day of *May*, then the same to be served *Ten Days* before such Caption; each of said stated Days to be exclusive of the day of Service. *And provided nevertheless*, That if such Witnesses shall, at the time of the Trial of the Cause, be on this Island, or able to travel, they shall be required to give their Testimony, *viva voce*, at such Trial, in the same manner as if such Depositions had not been taken.

If such Witnesses are in the Province, or able to travel, Testimony, viva voce, required,

III. *Provided also*, That all Benefit of Exceptions to the Credit of such Deponents shall be reserved in the same manner as on producing Witnesses for Examinations, *viva voce*, at the Trial.

saving Benefit of Exceptions to the Credit of such Witnesses.

IV. *And be it further enacted*, That every Person of the Profession of the People called Quakers who shall be required to take an Oath as aforesaid, shall, instead of an Oath, be permitted to make his or her solemn Affirmation.

Quakers allowed to make Affirmation.

V. *And be it further enacted*, That every Person who shall have made such Oath, or solemn Affirmation, and shall be convicted of having wilfully, falsely, and corruptly sworn or affirmed, he, she, or they shall incur the same Penalties as Persons convicted of wilful and corrupt Perjury.

Persons convicted of swearing or affirming falsely, to incur Penalties as for Perjury.

CAP. IX.

An ACT to repeal an ACT made and passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An ACT prohibiting all Masters of Ships or Vessels, or any other Persons, from transporting or conveying away any Person or Persons out of this Island, or the Territories adjacent thereto, without a License or Pass, except only such as are therein after excepted.*

Preamble.

WHEREAS the operation of the abovementioned Act has been found from Experience not to answer the Purposes thereby intended, the same having been frequently eluded by Persons (particularly circumstanced) running away in Canoes, and other small Craft, by means whereof their Lives have been endangered; and several other Inconveniencies and Difficulties have arisen to the honest and industrious Inhabitants of this Island by being obliged to comply with the Provisions thereof, whereby they have been put to unnecessary expence, and have suffered various losses: *And whereas also* the said Act has, by means of Misconstruction, operated to the Prejudice of the Settlement of this Island, by the Insinuations of its Enemies to People who were coming to settle thereon, that after their Arrival they would never be able to leave the same: For Remedy whereof.

From and after Publication, Act 13th Geo. 3d, c. 10, repealed.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, the said Act, intituled, *An Act prohibiting all Masters of Ships or Vessels, or any other Persons, from transporting or conveying away any Person or Persons out of this Island, or the Territories adjacent thereto, without a License or Pass, except only such as are therein after excepted,* and

every Clause, Matter, and Thing therein contained, be, and the same is and are hereby repealed.

II. *Provided always, and be it enacted,* That nothing herein contained shall extend, or be construed to affect any Action or Suit now depending, but the same may be prosecuted without delay.

Proviso, not to affect any Action now depending.

III. *Provided also,* That nothing herein contained shall have any Force or Effect until His Majesty's Pleasure shall be known.

Suspending Clause until His Majesty's Pleasure be known.

☞ This Act is reputed to have been approved of by His Majesty: but the regular official Notice of such the Royal Pleasure, is not at present to be found.

CAP. X.

An ACT for permitting Persons of the Profession of the People called Quakers to make an Affirmation instead of taking an Oath.

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That all Persons of the Religious Profession of the People called Quakers, who shall or may be required upon any lawful occasion to take an Oath, may, instead of an Oath in the usual Form, be permitted to make his, her, or their solemn Declaration or Affirmation in the following Words, to wit: *I A. B. do solemnly, sincerely, and truly declare and affirm*: Which solemn Affirmation, being duly administered, shall be adjudged and taken to be of the same Force and Effect, in all Cases where by Law an Oath shall or may be required, as if such Quakers had taken an Oath in the usual Form.

Quakers may make solemn Affirmation instead of taking an Oath.

Form of Affirmation.

II. *And be it further enacted,* That all Persons who shall or may have made such solemn Affirmation, and who shall or may have been duly convicted of having wilfully, falsely, and corruptly affirmed any thing which, if the same had been sworn in the usual Form of an Oath, would have amounted to wilful and corrupt Perjury, are here-

Persons falsely affirming to suffer as if guilty of Perjury.

by made to incur the same Penalties as other Persons convicted of wilful and corrupt Perjury.

Criminal Prosecutions excepted.

III. *Provided nevertheless*, That no Quaker, or reputed Quaker, shall, by Virtue of this Act, be admitted to give Evidence in any Criminal Prosecution whatever, under the Sanction of such Solemn Declaration or Affirmation.

Quakers to affirm they have been so for one Year.

IV. *Provided also*, That no Person or Persons whatever shall be deemed or construed to be Quakers, within the true Intent and Meaning of this Act, except such as shall affirm, in the Form before directed, that he, she, or they is or are of the said Profession of People called Quakers, and have been so for one Year next before such Affirmation made.

To be deemed a public Act.

V. *And be it further enacted*, That this Act shall be deemed to be a public Act, and be judicially taken notice of as such.

CAP. XI.

Disallowed by His Majesty in Council, 20th Jan. 1786.

An ACT to repeal an Act made and passed in the Sixteenth Year of His present Majesty's Reign, intituled *An Act for regulating Fees.*

CAP. XII.

An ACT directing the Register of this Island to procure new and sufficient bound Books for the Purpose of properly Recording all the Grants, Deeds of Sale, Conveyances, Leases, and other Writings belonging or relating to this Island, which are now entered or recorded in several small unbound Books hereafter mentioned: also empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, to destroy the said several small unbound Books, after having been fairly extracted and copied as herein after is prescribed.

Disallowed by His Majesty in Council, 20th Jan. 1786.

CAP. XIII.

An ACT for continuing sundry Laws that are near expiring.

Expired.

CAP. XIV.

An ACT for granting the Sum of One Hundred and Sixty-one Pounds, Two Shillings, and Eleven Pence, for the Support of His Majesty's Government.

The provisions of this Act have been executed.

Anno Vicesimo Sexto Regis Georgii III.

1786.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-first day of March, Anno Domini One Thousand, Seven Hundred and Eighty-five, and in the Twenty-fifth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Fifteenth Day of March, One Thousand Seven Hundred and Eighty-six, and in the Twenty-sixth Year of His said Majesty's Reign; being the Second Session of the Fourth General Assembly convened in the said Island.

W. PATTERSON, Lt. Governor.

P. CALLBECK, President of Council.

A. FLETCHER, Speaker.

CAP. I.

An ACT to alter, amend, and reduce into one Act, an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, *An Act for raising a Fund to make and keep in Repair the* Streets *and* Wells *of Charlotte-Town.*

Expired.

Preamble.

WHEREAS the Method prescribed by the aforesaid Act, intituled *An Act for raising a Fund to make and keep in Repair the Streets and Wells of Charlotte-Town,* is by assessing the Inhabitants thereof, annually, according to their several Circumstances and Abilities, at the Discretion of the Commissioners appointed to carry the said Act into Execution: *And whereas* it has been found very difficult to ascertain the Circumstances and Abilities of the Inhabitants of said Town, otherwise than by their landed Property, by means whereof it is impossible to avoid doing Injustice to some by assessing them too high, while others may not be made to contribute what they justly ought to do: *And whereas* several People have a Number of unimproved Lots, for which, according to the present Mode of assessing the Inhabitants, they pay nothing, while, at the same time, their Property is increasing daily in Value, at the Expence of their Neighbours: *And whereas* all Monies laid out in the Improvements of the Town must continue constantly to increase the Value of the Town Lots, it therefore appears highly reasonable and expedient that the Expence of such Improvements should fall on those who are most benefited thereby:

Governor, &c. with Advice of His Majesty's Council, in the

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, and by the Authority of the same, it is hereby enacted,* That from and after the Publication hereof, the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, is hereby empowered to appoint, annu-

ally, one or more Overseer or Overseers, for the Purpose of making and repairing the public Pumps and Wells in Charlotte-Town, and the Streets and Shores leading to and from such public Pumps and Wells; which Overseer or Overseers is or are to be appointed, annually, in the Month of *April*, or as soon after as may be.

Month of April, annually, to appoint Overseers, &c. for making & repairing public Pumps, &c.

II. *And be it further enacted*, That within the Space of one Month next after Notice shall have been given to the said Overseer or Overseers respectively of such his or their Appointment, and he or they shall have severally taken an Oath for the due and impartial discharge of their respective Offices, he or they shall, and they are hereby severally required, to make out and lay before the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, an Estimate of such Improvements and Repairs as shall appear to him or them necessary to be made on such public Pumps, Wells, Streets and Shores, during the Period of his or their Appointment. And the said Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, are hereby empowered to approve of or disallow as much of the said Estimate as they shall or may see proper and expedient; and, if it should be found necessary to add further Improvements thereto. And the said Estimate, so formed and adjusted according to their Discretion, shall be again returned to the said Overseer or Overseers, who is or are hereby directed to carry the same into Execution in the most effectual and least expensive manner, he or they are capable of. And such Overseer or Overseers are hereby further directed, empowered and authorized to cause to be repaired all Accidents which shall or may happen to such public Pumps, Wells, Streets or Shores, during his or their Appointment, although the same shall not have been mentioned in his or their said Estimate.

who are to take an Oath to discharge Duty of Office; and within one Month after Appointment, to lay before Governor, &c. an Estimate of such Improvements, &c. as may appear necessary to be made.

Governor, &c. to approve, or disallow, any part thereof;

and, if necessary, to add further Improvements thereto.

Estimate, so formed, to be returned to Overseer, &c. who is, in the most effectual and least expensive Manner, to carry the same into Execution.

Overseer, &c. to repair all Accidents that may happen to public Pumps, &c. tho' same is not mentioned in Estimate.

Overseers to cause all Nuisances to be removed.

III. *And be it further enacted,* That all Overseers who shall or may be appointed as aforesaid are hereby respectively empowered and directed to cause all Nuisances, inconvenient Obstructions and Impediments, to be removed from out of the Streets of Charlotte-Town: For which purpose the said Overseers are, or any one of them is, in the first instance, to apply to the Person or Persons who shall have erected or caused such Obstructions or Nuisances in the Streets as aforesaid, giving him, her, or them Notice, before one or more credible Witness or Witnesses, to remove the same: and if such Person or Persons shall, on such Notice, refuse or neglect to remove the same within *Fifteen Days* next after such Notice, the said Overseer or Overseers is or are hereby directed, in all such cases, and without loss of time, to make Complaint thereof to any one or more of His Majesty's Justices of the Peace for this Island; which Justice or Justices is or are hereby directed to hear the said Complaint, and, on due Proof thereof made, to fine such Person or Persons so refusing or neglecting as aforesaid, in any Sum or Sums of Money, so that the same shall not, in any one instance, exceed *Forty Shillings,* Sterling Money of Great Britain; the same to be recovered by Warrant of Distress: And in all Cases where no Distress can be found, then the same to be recovered by Warrant against the Person or Persons so offending, who is or are hereby made liable to be confined in His Majesty's Gaol in Charlotte-Town aforesaid, for such a number of Days as to the said Justice or Justices shall or may seem meet: *Provided* that the time of Confinement shall not exceed, in any one Instance, *Ten Days:*

Persons neglecting, after being notified to forfeit, not exceeding 2*l.* or suffer imprisonment not exceeding 10 Days.

Manner of proceeding in Recovery of Fine, or prosecuting to punishment, &c.

Nuisances remaining after being complained of, Overseers are to proceed, de novo.

IV. *And be it further enacted,* That if the aforesaid Obstructions or Nuisances, after having been so complained of, shall still remain, the said Overseer or Overseers, is or are hereby authorized and directed to proceed, in like manner, and give Notice *de novo,* and, in Case of Default made as

aforesaid, to renew his or their said Complaint. And thereupon the said Justice or Justices may hear, determine, and fine as aforesaid, and so on, till the said Obstructions or Nuisances shall have been removed, as well to the satisfaction of the said Overseer or Overseers, as of the said Justice or Justices.

Overseers, &c. to be refunded whatever necessary Expenses may have been incurred in the Prosecution of such Suits, and for carrying into Execution the other Provisions of this Act.

V. *And be it further enacted*, That the said Overseer or Overseers shall, in all such Cases, be refunded by the Public whatever necessary Expenses he or they may have incurred in the Prosecutions of such Suit or Suits: And for that purpose, and for carrying into Execution the other Provisions of this Act, the Treasurer for the time being is hereby directed, from time to time, as the same may be required, to supply the Overseer or Overseers with Money, first taking his or their Receipts for the same. *Provided always*, That the whole Amount of the Money so supplied within the Year shall not exceed the Sum assessed for the service thereof.

Provided the whole shall not exceed the Sum assessed.

Overseers, &c. to lay before Governor, &c. regular quarterly Accounts of Monies expended.

VI. *And be it further enacted*, That the said Overseer or Overseers shall, and they are hereby directed to make out and lay before the Governor, Lieutenant Governor, or Commander in Chief, for the time being, and His Majesty's Council, for their Examination, regular Quarterly Accounts of all Monies expended by him or them in consequence of this Act; the same to be made up to the end of the first Quarter after the date of his or their Appointment, and so on, progressively, giving up one Account at the end of every *Three Months* thereafter during the time of his or their Appointment or Appointments. And as often as the said Account, or any Part thereof, shall be approved of by the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, there shall be a Certificate given of the same, and a Warrant to the Treasurer for the Amount thereof. And all Overseers for the future, at the End of *Twelve Months* from and after their respective Appointments, by Virtue of

Upon their approving of said Account, or any Part thereof,

a Warrant to issue to the Treasurer.

Overseer, at the end of 12 months

to render an Account current of Monies received and laid out.

this Act, are hereby directed to render an Account current of all Monies received by them in their said Capacities, and how the same have been laid out, producing proper Vouchers at the same time in support thereof.

Overseers, &c. receiving more Money than expended, to return the same to Treasurer, who,

VII. *And be it further enacted,* That if any Overseer or Overseers shall have received more Money from the Treasurer than he or they may have really and truly expended, for the Purposes herein before-mentioned, he or they are hereby directed to return the same again to the Treasurer, at the end of the Year of his or their Appointment; and on Failure thereof, or Refusal so to do, the Treasurer is hereby empowered and required, immediately thereupon, to sue for the same, in like manner as if it were a Debt due and owing to himself. And the said Overseer or Overseers, and their respective Heirs, Executors and Administrators, are hereby made liable to the Payment of such Debts, in the same manner as if the Monies had been borrowed for his or their own private Use and Benefit.

on Failure, is to sue for the same as if a Debt due to himself.

Overseer, &c. to be liable the same as if the Monies had been borrowed for his or their Use.

Overseers, &c. appointed, and refusing to act, or having consented, shall neglect the Duty, &c. shall forfeit 5*l*.

VIII. *And be it further enacted,* That if any Person or Persons whatsoever, who shall or may hereafter be appointed an Overseer or Overseers as aforesaid, and who shall refuse to act as such, or having consented thereto, shall neglect his or their duty as declared and described in and by this Act, or in and by any immediate Instruction or Instructions which he or they may receive from the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council (not being repugnant to this Act,) he or they shall, for every such Refusal or Neglect, severally forfeit to the Use of His Majesty's Government the Sum of *Five Pounds,* to be recovered in the Supreme Court of Judicature of this Island. And the Treasurer for the time being, or some Person authorized by him thereto, is hereby empowered and directed to sue for and recover the same; and the Justices of the said Court are hereby authorized and directed, on sufficient Proof having been made of such Refu-

Mode of Recovery.

sal or Neglect, to give Judgment for the same, together with reasonable Costs of Suit.

IX. *And be it further enacted,* That all Overseers who may hereafter be appointed in consequence of this Act, shall or may receive for his or their trouble, during the several Periods of their Appointments, the Sum of *Ten Pounds;* the same to be paid them quarterly by the Treasurer of this Island: And which said Sum of *Ten Pounds* is to be added to and be made part of the Estimate which they are hereby ordered as aforesaid to lay before the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council.

Overseers during their Appointment, to receive, by quarterly Payments, 10*l.* per Annum, which is to be added to Estimate.

X. *And be it further enacted,* That in future, when the Estimates shall have been prepared and approved of as is herein before directed, the Amount thereof shall be laid in equal Proportions on each Lot in Charlotte-Town, that shall appear at that Time to have been granted. And to enable the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, to make such Division, the Surveyor General, and the Provincial Register for the time being, are hereby directed to make out, each of them, annually, by the first Day of *May,* a List of all the Town Lots which shall have been at that time granted; and according to such Lists, so made out and severally subscribed by them, the Division of the said Estimate shall be proportioned and adjusted; and a Copy of the whole Proceeding shall be immediately thereupon made out by the Clerk of His Majesty's Council, and shall be by him delivered to the Provincial Treasurer, who is hereby directed, without loss of time, to collect the same in manner following: That is to say—within *Four Days* next after he shall have received the aforesaid Lists of Lots and the Proportion which each Person is to pay: And he shall have, at least, three fair Copies taken thereof, which he is thereupon to cause to be posted up in the most public Places in Charlotte-Town, with an Advertisement to each, thereby warning the Owners of

Estimate, after being approved of, shall be laid in equal proportions on each Lot in Charlotte-Town, which at the Time shall appear to have been granted.

Surveyor General and Register on first of May, annually, to make out and sign Lists of Town Lots which shall have been, at the time, granted.

According to such Lists, the Division of the said Estimates, shall be made.

Clerk of His Majesty's Council to make out immediately a Copy of the whole, and deliver the same to the Treasurer, who is, within four Days after, to have at least 3 Copies made out, which are to be posted in the most public Places at Charlotte-Town, with an Advertisement to each;

desiring the Owners, &c. of Lots, to pay the Sum allotted at his office 20 Days after Date.

In case of Failure, Lots to be proceeded against in the Supreme Court.

said Lots, or some Person or Persons for them, to pay, or cause to be paid, the Sums so allotted to and charged on each, at his Office, within *Twenty Days* after the Date thereof, and expressing, that in case of Failure, the said Lots shall be proceeded against as directed in and by this Act. And the said Treasurer is hereby further authorized and required, at the Sitting of the Supreme Court next after the posting of said Advertisement, to make Proclamation of said Lots being so in Arrear, together with a Notification, that in case such Arrears shall not be paid within *Thirty Days* next after the Day of such Proclamation, that then Application will be made to the said Supreme Court, at their next Sitting after the Expiration of the said *Thirty Days*, for Judgment to be passed against each and every of the said Lots so in Arrear, and concerning which Proclamation had been so made.

Supreme Court, upon Proof that Advertisement, &c. was posted, &c. also what sums are then due, are to give Judgment against such Lots for the Sum in Arrear with Interest.

XI. *And be it further enacted*, That the Justices of the said Supreme Court of Judicature, upon Application of the said Treasurer, or some Person authorized thereto by him, and upon Proof made, by Oath, that the said Advertisements and Proclamations had been duly posted and made, and also what Sums were then due on the said Lots respectively, shall, and they are hereby authorized and directed to give Judgment against such Lots, for the Sums so due thereon and in Arrear, together with lawful Interest for the same, to be calculated from the time given or limited by this Act for the Payment thereof, together with reasonable Costs; and thereupon a Writ of *Fieri Facias* shall or may be sued out for such Sums, Interest, and Costs, directed to the Sheriff, or, if need be, to the Coroner, and returnable within a reasonable time into the said Court.

Writ of Fieri Facias to issue thereupon.

Sheriff, &c. to attach such Lot, and proceed to the Sale thereof on a Day to be mentioned in Notice.

Time limited in

XII. *And be it further enacted*, That the Sheriff or his Deputy, or the said Coroner, upon Receipt of such Writ, shall, by Virtue thereof, attach such Lots, and give Notice that he will proceed to the sale thereof on a Day therein to be mentioned, (the time therein limited not to be less

than *Sixty* nor more than *Ninety Days* from the Date thereof:) and such Notice shall be posted in like Manner as the Advertisements herein before directed: And thereupon the said Sheriff, or his Deputy, or the Coroner, shall proceed to sell the said Lots one after another, on the Day fixed upon and limited for that Purpose, at Public Sale or Vendue in Charlotte-Town, wherein the best or highest Bidder shall be deemed the Purchaser of such Lot or Lots. And upon Payment of the Purchase-Money, which shall be within *Ten Days* after such Sale, the Sheriff or his Deputy, or the Coroner as aforesaid, shall execute proper and absolute Deeds of Conveyances therefor—Which Deeds shall be good and valid, to all Intents and Purposes, for conveying the same to the respective Purchasers of them, their Heirs and Assigns for ever.

Notice not to be less than 60, nor more than 90 Days from the Date thereof.

Lots to be sold one after another on the Day appointed as aforesaid.

Upon Payment of Purchase Money, Sheriff, &c. shall execute sufficient Deeds of Conveyance, which shall be valid to the Purchasers and their Heirs, &c.

XIII. *Provided nevertheless*, That if the Proprietors of such Lots of Land, attached as aforesaid, or any Person in their Behalf, shall, at any Time before the said Sale, pay and discharge the Sum so in Arrear, together with the Interest and Costs as aforesaid, the Sale of such Lot or Lots shall not be proceeded in, but the same shall be wholly and absolutely freed and discharged from the Judgments so given against them, any thing herein contained to the contrary, notwithstanding.

Proprietors paying Arrear, &c. the sale of Lot so paid for shall not take place.

XIV. *And be it further enacted*, That the Sheriff, or his Deputy, or the said Coroner, shall, within *Ten Days* after the Receipt of the Purchase Money of such Lots, pay into the Hands of the *Treasurer* the Balance thereof, after deducting such Costs and Charges of Proceedings, and Sales, as shall be taxed and allowed by the said Supreme Court.

Sheriff, &c. within 10 Days to pay to Treasurer the Balance of the Purchase Money.

XV. *And be it further enacted*, That upon Receipt of the Balance of the said Purchase-Money from the Sheriff, or his Deputy, or the said Coroner, the said *Treasurer* shall thereupon deduct therefrom and charge himself with so much thereof as shall or may discharge the Sums due and in Arrear upon such Lots, together with the interest

Treasurer, upon Receipt of the above Balance, shall deduct therefrom so much as shall discharge the Arrear, &c. upon Lot,

and pay the Surplus to the late Proprietor.

as aforesaid, and shall pay the Surplus, if any there be, to the late Proprietor or Proprietors thereof, their Heirs or Assigns, or to their Attornies or Agents, upon the same being legally demanded, without any further Charge or Deduction whatever.

Treasurer, Sheriff, &c. on Failure of

XVI. *And be it further enacted*, That if the said Treasurer, or the said Person so appointed by him, or the Sheriff, or his Deputy, or the said Coroner, shall neglect to comply with the Directions in this Act contained, in respect to the posting the said Advertisements, making Proclamation, and giving Notice of Sales as aforesaid, so that any Proprietor or Proprietors shall be thereby prevented from discharging and paying the Sums due upon their respective Lots, such Treasurer, or Person so authorized by him, or the Sheriff or his Deputy, or the said Coroner, shall forfeit, for every Default therein, the Sum of *Ten Pounds*, to be recovered in the said Supreme Court, and to be applied to and for the Use of the Proprietor or Proprietors injured thereby: And any Person whatever, authorized by him or them thereto, may sue for the same, over and above the further Remedy by Action for the Recovery of Damages.

Duty, to forfeit 10*l*.

Mode of Recovery.

Appropriation for Fine. Also to be subject to an Action of Damages.

Appropriation of Fines. Exception

XVII. *And be it further enacted*, That all Fines and Forfeitures which shall or may be recovered by Operation of this Act, except those last mentioned, shall be paid into the Hands of the Public Treasurer, to be laid out for making and repairing of public Pumps, Wells, Streets, and Shores leading to and from the said Pumps and Wells in Charlotte-Town.

Monies to be accounted for in the Treasury in Great Britain.

XVIII. *And be it also enacted*, That all the Monies which may arise by the Operation of this Act shall be accounted for unto His Majesty, in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

XIX. *And be it further enacted*, That all and every Clause, Article, Matter, and Thing contained in the said herein before in part recited Act, shall be deemed, construed, and taken to be contained in this Act, without Reference to the said in part recited Act, any Thing whatsoever to the contrary in any wise notwithstanding.

Act 21st of His present Majesty contained in this Act, without any Reference thereto.

XX. *And be it further enacted*, That this Act shall be in force for and during the Term of *Three Years* from and after the Publication thereof, and until the end of the then next sitting of the General Assembly, and no longer.

Limitation.

CAP. II.

An ACT for the Relief of Insolvent Debtors.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly*, That from and after the Publication hereof, if any Person or Persons now charged, or who shall or may hereafter be charged, in Execution, or confined upon any Writ or other Process in any of the Gaols or Prisons which now do or which hereafter shall belong to this Island, for any Sum or Sums of Money, and shall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects, towards the satisfaction of the Debt or Debts wherewith he, she, or they stand charged, it shall and may be lawful to and for such Prisoner to exhibit a Petition to any of the Courts of Law within the said Island, or, during the Intervals of the Sitting of such Courts, to any Two of the Justices of any such Courts from whence the Process issued, upon which he, she, or they was or were taken or charged in Execution, or confined upon any Writ, or other Process as aforesaid, certifying the Cause or Causes of his, her, or their Imprisonment, and an Account of his, her, or their whole real and personal Estate, with the Dates of the Securities wherein any Part of it consists, and the Deeds or Notes

After Publication, Persons charged in Execution, or confined upon any Writ, &c. may apply, by Petition to the Court from whence the Process issued, or to two Justices in Vacation Time, to be discharged,

on giving an Account of their real and personal Estate.

relating thereto, and the names of the Witnesses thereto as far as his, her, or their knowledge extends therein; and upon such Petition, the said Court, or the said Two Justices may, and they are hereby required, by Order or Rule of the said Court, or by Order under their Hands and Seals, to direct the several Creditors at whose Suit he, she, or they stand charged, as aforesaid, to be summoned to appear personally, or by their Attorney, in the said Court, or before them the said two Justices, at a day to be appointed for that purpose: And upon the day of such Appearance, if any of the Creditors so summoned refuse or neglect to appear, upon Affidavit of the due Service of such Rule or Order of the said two Justices, the said Court, or the said two Justices, shall and may, in a summary Way, examine into the Matter of such Petition, and hear what can or shall be alleged on either side for or against the Discharge of such Prisoner: And upon such Examination, the said Court, or the said two Justices, may, and they are hereby required to administer or tender to such Prisoner an Oath to the Effect following; which Oath the said Court, or the said two Justices, are hereby empowered to administer.

The Court or Justices to make an Order to call the Creditors before them.

If Creditors fail to appear, the Court or Justices may examine into the matter of the Petition

and tender an Oath to the Person.

Form of Oath.

"I A. B. do solemnly swear, in the presence of Almighty God, that the Account by me delivered into in my Petition to doth contain a true and full Account of all my real and personal Estate, Debts, Credits, and Effects whatsoever, which I, or any in trust for me, have, or at the time of my said Petition, had or am, or was in any respect entitled to, in Possession, Remainder, or Reversion (except the wearing Apparel and Bedding for me or my family, and the Tools or Instruments of my Trade or Calling, not exceeding Ten Pounds in the whole;) and that I have not at any time since my Imprisonment, or before, directly or indirectly, sold, leased, assigned, or otherwise disposed

"of, or made over in Trust for myself, or otherwise, other than as mentioned in such Account, "any Part of my Lands, Estate, Goods, Stock, "Money, Debts, or other real or personal Estate, "whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors "to whom I am indebted. *So help me God.*"

II. *And be it further enacted*, That in case the said Prisoner shall, in open Court, or before the said two Justices, take the said Oath, and upon such Examination, and his or her taking the said Oath, the Creditors shall be satisfied with the truth thereof, the said Court, or the said two Justices, may immediately thereupon order the Lands, Goods, or Effects, contained in such Account, or so much thereof as may be sufficient to satisfy the Debts wherewith he or she is or shall be charged, and the Fees due to the Sheriff of the said Island, and the Keeper of the Gaol or Prison from which the Prisoner was brought, to be by a short Indorsement on the Back of the said Petition, signed by the Prisoner, assigned to the said Creditors, or to one or more of them in Trust for the rest of the said Creditors; and by such Assignment the Estate, Interest and Property of the Lands, Goods, Debts, and Effects so assigned, shall be vested in the Person or Persons to whom such Assignment is or shall be made, who may take Possession of or sue for the same in his, her, or their own Name or Names, in like Manner as Assignees of Commissioners of Bankrupts, to which Suit no Release of the Prisoner, his or her Executors or Administrators, or any Trustees for him or her, subsequent to such Assignment, shall be any Bar. And immediately upon such Assignment executed, the said Prisoner shall be discharged out of Custody, by Order of the said Court, or of the said two Justices: And such Order shall be a sufficient Warrant to the Sheriff, Gaoler, or Keeper of such Prison, to discharge the said Prisoner, if detained for the Causes mentioned in such Petition, and no

If the Creditors are satisfied with the truth of the Prisoners Oath, the Court or Justices may order the Land, &c. to be assigned to the Creditors,

and the Prisoner to be discharged.

other: And he is hereby required to discharge and set him or her at Liberty forthwith, without Fee from such Debtor, but nevertheless to be paid out of his Effects by the Creditor or Creditors, who shall receive such Assignment. Nor shall such Sheriff or Gaoler be liable to any Action for Escape, or other Suit or Information upon that Account: And the Person or Persons to whom the said Effects shall be assigned paying the Fees to the said Sheriff, Gaoler, or Keeper of the Prison as aforesaid in whose Custody the Party discharged was, shall, and they are hereby severally required, to divide the Effects so assigned among themselves, and all the Persons for whom they shall be intrusted, in proportion to their respective Debts. But in case the Person or Persons at whose Suit such Prisoner was charged in Execution, or confined upon any Writ or other Process as aforesaid, shall not be satisfied with the Truth of the Oath of such Prisoner, so taken before the two Justices aforesaid, but shall desire further time to inform himself or herself of the Matters contained therein, and shall insist upon his or her being detained longer in Prison, at his or their Suit; then the said Justices shall and may remand the said Prisoner, and direct the said Prisoner, and the Person or Persons dissatisfied with such Oath, to appear at another Day before them, or before the Court from whence the Process issued as aforesaid, at a certain Day during the Sitting of the said Court, then next following the time of such first or any after Examination as aforesaid, for the further Examination of the Matters contained in the said Oath; *Provided* the said Person or Persons so dissatisfied do agree, by Writing, under his, her, or their Hands, to supply and allow, weekly, the full Quantity of *Eight Pounds* of good and wholesome Biscuit or Bread per Week unto the said Prisoner, to be so supplied and allowed the first day of every Week from and after the time of such Prisoner's being so remanded, until the said Day or Days so appointed for the further Examination of the Truth of the Matters contained in the aforesaid Oath

Prisoner's Lands, &c. to be divided among Creditors.

If any Creditors is not satisfied of the truth of Prisoner's Oath before the two Justices, the Prisoner to be remanded, and the matter further inquired of before them or the Court;

And such Creditor to allow the Prisoner

Eight Pounds of Biscuit per Week in the mean time:

before the said Justices, or the said Court as aforesaid; and on failure of the supplying of the said weekly Allowance at any time, the said Prisoner shall forthwith, upon Application to the said Court, or to the said two Justices, be immediately discharged by the Order of the said Court, or the said two Justices. But in case the said Prisoner shall refuse to take the said Oath, before the said two Justices, or having taken the same, shall be detected of Falsity therein, he or she shall be presently remanded, and further punished therefor in due Course of Law.

on failure thereof the Prisoner to be discharged.

Prisoner refusing to take Oath, or being detected of Falsity, to be remanded and further punished.

III. *And be it also enacted*, That such Judgment, Relief, and Directions by the said two Justices, so to be given as aforesaid, shall be as good and effectual, to all Intents and Purposes, as if the same had been made in the Court out of which the Process issued on which such Prisoner was taken in Execution or confined; and the like Proceedings shall be had thereupon, and a Record of such Judgment shall be made up in the same Form, and returned, and certified under the Hands of such two Justices before whom it shall be made, unto the Court from whence the Process issued on which such Prisoner was taken and confined as aforesaid—the same to be a Record of the said Court, and kept as such amongst the Records thereof.

Proceedings of the two Justices to be effectual—and a Record thereof to be made, and returned to the Court.

IV. *And be it further enacted*, That if on the appearance of such Prisoner or Prisoners before the said two Justices on any after Day by them appointed as aforesaid, or before the said Court as aforesaid, the Creditor or Creditors of such Prisoner or Prisoners, being dissatisfied with the Truth of such Oath before the said two Justices, shall make Default in appearing; or in case he, she, or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner omitted in such his or her Petition, or to shew any sufficient Probability of his or her having been forsworn in the said Oath; then the said two Justices, or the said Court, shall immediately cause the said Prisoner to be discharged upon such Assignment of his or her Effects in manner as aforesaid, unless such Creditor or Creditors do insist upon

If upon the Prisoners appearing before the 2 Justices, or Court, and Creditors, shall not appear, or shew a probability that the Prisoner is forsworn, &c.

the Prisoner shall be discharged, unless Creditors

Insist on his being longer detained, &c. and agree to the weekly allowance of Bread.

his or her being detained longer in Prison at their Suit, and do agree as aforesaid, by Writing, under his, her, or their Hands, to supply and allow, weekly, the full Quantity of *Eight Pounds* of good wholesome Biscuit, or Bread, per Week, unto the said Prisoner, to be supplied and allowed the first Day of every Week, so long as he or she shall continue in Prison at his, her, or their Suit or Suits as aforesaid. And on Failure of the Supply of the said Weekly allowance at any Time, the Prisoner shall forthwith, upon Application to the said two Justices, or to the said Court, or during the interval of such Courts sitting, to the said two Justices, be discharged by such Order as aforesaid.

On failure whereof Prisoner to be discharged.

V. *And be it further enacted*, That in case on the Appearance of any Prisoner, who now is or hereafter shall be charged or confined as aforesaid, before any of the Courts of Law which now are, or hereafter shall be established on this Island, on his Petition to them at any time during their Sitting, preferred as aforesaid, the Person or Persons at whose Suit such Prisoner was charged in Execution, or confined upon any Writ or other Process as aforesaid, shall not be satisfied with the Truth of the said Prisoner's Oath at that time made, but shall desire further time to inform himself or herself of the Matters contained therein, the said Court may and shall remand the said Prisoner, and direct him, together with the Person or Persons dissatisfied with such Oath, to appear at another Day to be appointed by the said Court, some time within and during their then present Term or Sessions, for that purpose; subject nevertheless in the mean time, and until such second Day, to the same Allowance to the said Prisoner, by such Person or Persons so dissatisfied with the said Prisoner's Oath, and liable to the like Discharge in case of Default of such Allowance, as is herein before directed, upon Application to the said two Justices as aforesaid. And if at such second Day, so to be appointed, the Creditor or Creditors dissatisfied with such Oath shall make Default in appearing; or in case he, she, or they shall

Proceedings when the Prisoner petitions during the Sitting of the Court.

appear, but shall be unable to discover any Estate or Effects of the Prisoner omitted in such his or her petition, or to shew any sufficient probability of his or her having been forsworn in the said Oath; then the said Court shall immediately cause the said Prisoner to be discharged, upon such Assignment of his or her Effects in manner as aforesaid, unless such Creditor or Creditors do insist upon his or her being longer detained in Prison at their Suit, and do agree by Writing, under his, her, or their Hands to supply and allow, weekly, the said Quantity of *Eight Pounds* of good and wholesome Biscuit, or Bread, unto the said Prisoner, to be supplied and allowed the first day of every Week, so long as he or she shall or may continue in Gaol at his, her, or their Suit: And on failure of supplying the said Weekly Allowance at any time, the said Prisoner shall forthwith, upon Application to the said Court, or during the Intervals of such Court's Sittings, to any two Justices of the said Court, be immediately thereupon discharged by such Order as aforesaid. But in case the said Prisoner shall refuse to take the said Oath, or, having taken the same, shall be detected of Falsity therein, he or she shall be presently remanded, and be further punished therefor in due Course of Law.

Preamble.

VI. *And* to prevent persons who may be charged in Execution, or confined upon any Writ or other process as aforesaid, from lying in Prison until they have spent their Substance wherewith they should satisfy their Creditors, and afterwards taking the benefit of this Act, where they have nothing left to deliver up to their Creditors:

Time limited for Prisoners to present Petition.

It is hereby further enacted, That no person charged, or to be charged, in Execution, or confined upon any Writ or other process as aforesaid, excepting those already in Gaol or Prison, shall be allowed or permitted to exhibit a petition to any of the Courts of Law which now are, or hereafter shall or may be established in this Island, or to either of the said two Justices of such Courts, from whence the process issued, as is before provided, unless such petition be exhibited, if before the Court, within

Ten Days next after the first Meeting of the said Court which shall be next after such person shall be charged in Execution, or confined upon any Writ or other process as aforesaid; and if before the said two Justices, within one Month next after such person shall be so charged in Execution or confined.

Though Prisoner's Person be discharged, &c. to be always liable.

VII. *Provided always, and be it further enacted,* That though the persons of the Debtor or Debtors so discharged shall never after be arrested for the same Debt or Debts, yet, notwithstanding such Discharge, the Judgment or Debt due as aforesaid against him or her shall stand, and remain in Force, and Execution may thereupon be taken out against his or her Lands, Tenements, or Hereditaments, Goods and Chattels (his or her Wearing Apparel, Bedding for him or herself, and Family, and necessary Tools for the Use of his or her Trade or Occupation, excepted,) in the same manner as if he or she had never been taken in Execution or confined upon any Writ or other process for the said Debts.

If Prisoner afterwards be convicted of Perjury, in taking Oath, he shall suffer all the pains of wilful Perjury:

VIII. *Provided also, and be it further enacted,* That if any such person who shall take such Oaths as aforesaid before the said two Justices, or before the said Court as aforesaid, and shall, upon any Indictment for perjury in any Matter or particular contained in the said Oath, be convicted by his or her own Confession, or by Verdict of Twelve Men, (as he, she, or they may be, by force of this Act) the person so convicted shall suffer all the Pains and Forfeitures which by Law may be inflicted on any person convicted of Wilful Perjury, and shall be liable to be taken upon any process *de novo,* and charged in Execution, or otherwise, for the said Debt; in the same Manner as if he or she had never been discharged, or taken in Execution, or confined upon any Writ or other process as aforesaid before, and shall never afterwards have the benefit of this Act.

And may be taken up de novo, and charged again in execution for the said Debt.

Quaker's Affirmation to be taken instead of an Oath.

IX *And be it further enacted,* That in cases wherein by this Act an Oath is required, the solemn Affirmation of any person, being a Quaker, shall and may be accepted and taken in Lieu thereof; and every person making such Affirmation, who shall be

convicted of wilful and false Affirming, shall incur and suffer such and the same pains, penalties, and Forfeitures, as are inflicted and imposed by the Laws and Statutes now in Force against persons convicted of wilful and corrupt perjury.

Mutual Debts to be set one against the other.

X. *And be it further enacted*, That where there are mutual Debts between the Plaintiff and Defendant; or if either party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate, and either party; one Debt may be set off against the other. And such matter may be given in Evidence upon the General Issue, or pleaded in Bar, as the nature of the case shall require; *Provided*, That in all cases where the General Issue shall be pleaded, the party shall immediately thereupon give regular Notice to the Plaintiff in the Suit, of the particular Sum or Debt so intended to be insisted on, and upon what Account the same became due: otherwise such Matter, shall not be allowed in Evidence upon such General Issue.

Sheriff, &c. offending against this Act, to forfeit 50*l.* with treble Costs.

XI. *And be it further enacted*, That every Sheriff, or his Deputy, Bailiff, or other Officer, or Minister aforesaid, offending against this Act, shall (over and above such Penalties or Punishments as he shall be liable unto by the Laws now in Force) for every Offence against this present Act, forfeit and pay to the party thereby aggrieved, the Sum of *Fifty Pounds*, to be recovered, with treble Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Law which now are, or which hereafter shall or may be established within this Island, wherein no Essoin, protection, or Wager of Law, or more than one Imparlance shall be allowed.

Manner of Recovery,

No Debtor to be discharged whose Debts exceed 100*l.*

XII. *Provided nevertheless*, That nothing in this Act contained shall extend, or be construed to extend, to discharge any Debtor imprisoned as aforesaid, the whole Amount of whose Debts shall exceed the Sum of *One Hundred Pounds*.

CAP. III.

An ACT for preventing Abatement and Discontinuance of Suits.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the publication hereof, in all Actions to be commenced in His Majesty's Supreme Court of Judicature, or in any other Courts of Record which now are, or which hereafter shall or may be established within this Island, if any Plaintiff happen to die after interlocutory Judgment, and before a final Judgment shall have been obtained therein, the said Action shall not abate by reason thereof, provided such Action might be originally prosecuted or maintained by the Executors or Administrators of such Plaintiff: And if the Defendant die after such interlocutory Judgment, and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executors or Administrators of such Defendant. And such Court is hereby impowered to try the said Action, and to determine and give Judgment thereon in the same manner as if the said Suit had been commenced by or against such Executors or Administrators, as in Right of their Testators or Intestates.

Plaintiff or Defendant dying before final Judgment, Action not to abate.

II. *And be it further enacted,* That if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated; but such Death, being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

Action may be proceeded upon notwithstanding the death of one of the Parties.

III. *And be it further enacted,* That in all Actions, personal, real, or mixed, the Death of either

Death of either

Party between the Verdict and the Judgment thereupon shall not be alleged for Error, so as that such Judgment be entered within two Terms after such Verdict.

Party between Verdict and Judgment, shall not be alleged for Error.

IV. *And be it further enacted*, That where any Judgment, after Verdict, shall have been had by or in the name of any Executor or Administrator, in such case an Administrator *de bonis non* may sue forth a *Scire Facias*, and take Execution upon such Judgment.

Judgment obtained by an Executor or Administrator, he may sue forth a Scire Facias.

V. *And be it further enacted*, That no Process or Suit before any of the Justices of His Majesty's Supreme Court of Judicature, Justices of Assize, Gaol Delivery, Oyer and Terminer, Justices of the Peace, Commissioners, or other Courts of Record, which now are, or which hereafter shall or may be established within this Island, shall be discontinued, by the making and publishing of any new Commission or Association, or by altering the Names of the Justices of His Majesty's Supreme Court of Judicature, Justices of Assize, Gaol Delivery, Oyer and Terminer, Justices of the Peace, Commissioners, or other Courts of Record, as aforesaid; but that such new Justices of His Majesty's said Supreme Court of Judicature, Justices of Assize, Gaol Delivery, and of the Peace, Commissioners, or other Courts of Record as aforesaid, may proceed in manner as if the former Commissioners, Justices, or other Commissioners, had remained and continued without Alteration.

No Process or Suit before Justices or Judges shall be discontinued by the making of a new Commission.

CAP. IV.

An ACT for amending Defects in Pleas, Processes, and Records.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the Publication hereof, that for Error in any Record, Process, or Warrant of Attorney, original Writ, or judicial Panel, or Return, in any

No Judgment &c. to be reversed for

any Writ razed or interlined.

Places of the same razed or interlined, or in any Addition, Subtraction, or Diminution of Words Letters, Syllables, or Titles found therein, no Judgment or Record shall be reversed or annulled; but the Justices of the Courts before whom such Records and Processes may be depending, shall have power to examine such Records and Processes, Words, Pleas, Warrants of Attorney, Writs, Panels, or Returns, and to reform and amend, in Affirmance of the Judgments of such Records and Processes, all that which to them seemeth to be the Misprision of the Clerk (except Appeals, Indictments of Treason, Felonies and Outlawries for the same) and the Substance of the proper Names, Sirnames, and Additions left out in original Writs, and Writ of Exigent, and any other Writs containing Proclamation.

The Justices of Courts may amend all defects which are by Misprision of their Clerk:

Except appeals, &c.

Writ of Error varying from the Record may be amended.

II. *And be it further enacted*, That all Writs of Error, Appeals from Judgments in any Action, real, personal, or mixed, according to the Course of Proceedings in this Island, wherein there shall be any Variance from the original Record, or other Defect, may, and the same shall be amended and made agreeable to such Record by the Courts where such Writ or Writs of Error, or such Appeals, shall be returnable; and that where any Verdict shall be given in any Action, Suit, Bill, Plaint, or Demand, in any of His Majesty's Courts of Record, which now are, or which hereafter shall or may be established within this Island, the Judgment thereupon shall not be stayed or reversed, for any Defect or Fault, either in Form or Substance, in any Bill, Writ, original or judicial, or for any Variance in such Writs from the Declaration or other Proceedings.

After Verdict no Judgment shall be stayed, &c. for any defect in any Bill, &c.

Not to extend to appeal of Felony, &c.

III. *Provided nevertheless*, That nothing in this Act contained shall extend, or be construed to extend, to any Appeal of Felony or Murder, or to any Process upon any Indictment, Presentment, or Information of or for any Offence or Misdemeanour whatsoever.

CAP. V.

An ACT to render good and valid in Law all and every of the Proceedings in the Years One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty-one, which in any Respect related to, or concerned the Suing, Seizing, Condemning, or Selling of the Lots or Townships herein after mentioned, or any part thereof.

Disallowed by His Majesty in Council, the 8th of August 1789.

CAP. VI.

An ACT for altering, amending, and reducing into one Act, an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, "An Act to alter and amend so much of an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, "An Act to explain amend and render into one Act, all the Laws now in Being for the Purpose of making and repairing *Highways* in this Island, as relates to the Time appointed by said Act for performing Statute Labour, and some further Regulations as to the Payment and Duty of Overseers of the High-ways.

Embodied in 35th Geo. 3d, c. 3.

CAP. VII.

An ACT for Reformation of Jeofails and Mispleadings, and to prevent Arrests and Reversals of Judgments, and for the better Advancement of Justice.

After an issue tried there shall be Judgment given notwithstanding any mispleading, &c.

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Publication hereof, if any Issue be tried by the Oath of Twelve or more indifferent Men for the Party Plaintiff or Demandant, or for the Party Tenant or Defendant, in His Majesty's Supreme Court of Judicature within this Island, or in any other Courts of Record which now are, or which shall or may be established therein, the Justice or Justices by whom Judgment thereupon ought to be given, shall proceed and give Judgment in the same, any Mispleading, want of Colour, insufficient Pleading or Jeofail, and Miscontinuance or Discontinuance, or misconveying of Process, misjoining of the Issue, Want of Warrant of Attorney for the Party against whom the same Issue shall or may be tried, or other Default or Negligence of the Parties, their Counsellors or Attornies, had or made to the contrary notwithstanding; and the said Judgment shall stand according to the said Verdict, without Reversal by Writ of Error, or false Judgment; *Provided* that, in avoiding of Errors, through the Negligence of Attornies, every Person named as Attorney in Actions and Suits, prosecuted and pleaded to issue, shall from time to time deliver, or cause to be delivered, his or their sufficient and lawful Warrant of Attorney; to be entered of Record for each and every of the said Actions or Suits wherein they shall or may be named as Attornies, to the Clerk of the Court: That is to say, the Attorney for the Plaintiff or Demandant shall file his Warrant of Attorney as aforesaid the same Term he shall have declared; and the At-

When Warrants of Attorney shall be filed.

torney for the Defendant or Tenant shall file his Warrant the same Term he shall have appeared, upon pain of forfeiting, unto our Sovereign Lord the King, the sum of *Five Pounds*, for not so delivering the said Warrant of Attorney; the same to be recovered by Action of Debt, Bill, Plaint or Information.

II. *And be it further enacted*, That after Verdict as aforesaid, the Judgment thereupon shall not be stayed or reversed for any defect in Form, in any Writ original or judicial, Count, Declaration, Bill, Plaint, Suit, or Demand, or for any Variance in Form only between the original or Bill, and the Declaration or Plaint, or for want of any Writ, original or judicial, or for any imperfect or insufficient Return of any Sheriff or other Officer.

After Verdict, Judgment shall not be stayed, &c. for want of Form, &c.

III. *And be it further enacted*, That after Verdict, Judgment thereupon shall not be stayed or reversed for Want of an averment of any Life or Lives, so as the said Person be proved to be alive, or for awarding the *Venire Facias* to a wrong Officer upon any insufficient suggestion, or because the *Visne* is in some part misawarded, or sued out of more or fewer places than ought to be, so as some one place be right named; or for misnaming any of the Jurors in Sirname or Addition in any of the Writs, or the Returns thereof, so as it be proved to be the same Man that was meant to be returned; or by reason that there is no Return upon any of the said Writs, so as a Panel of the names of Jurors be returned and annexed to the said Writ; or for that the Sheriff's or other Officer's Name, having the Return thereof, is not set to the Return of any such Writ, so as it be proved that the said Writ was returned by such Officer; or by reason that the Plaintiff in any *Ejectione firmæ*, or in any personal Action or Suit, being an Infant under the Age of twenty-one Years, did appear by Attorney therein, and the Verdict passed for him.

Divers Jeofails in suits of Law prevented and reformed.

IV. *And be it further enacted*, That Judgment shall not be stayed or reversed, after Verdict, for want of Form or Pledges, returned upon the ori-

In what case Judgment after

Verdict shall not be stayed, for want of Form in pleading.

ginal Writ, or because the Name of the Sheriff is not returned on the original Writ, or for Want of entering Pledges upon any Bill or Declaration, or for not alleging the bringing into Court any Bond, Bill, Indenture, or other Deed mentioned in the Declaration or other Pleading, or for Want of Allegation of bringing into Court any Letters Testamentary, or Letters of Administration, or for omission of *by Force of Arms and against the Peace*, or for mistaking the Christian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month, or Year, by the Clerk, in any Bill, Declaration, or Pleading, where the right Name, Sirname, Sum, Day, Month, or Year in any Writ, Plaint, Roll, or Record preceding, or in the same Roll or Record, where the Mistake is committed, is or are once truly and rightly alleged, whereunto the Plaintiff might have demurred and shewn the same for Cause; nor for Want of Averment of *This he is ready to verify*, or for *this he is ready to verify by Record*; or for not alleging *as it appears by Record*, or for that there is no right *Venire*, so as the Cause were tried by a Jury of the proper County or Place where the Action is laid; nor for that the Increase of Costs after a Verdict in the Action, or upon a Nonsuit in Replevin, are not entered to be at the request of the Party for whom the Judgment is given; nor by reason that the Costs in any Judgment whatsoever are not entered to be by Consent of the Plaintiff; but that all such Omissions, Variances, Defects, and all other Matters of the like Nature, not being against the Right of the Matter of the Suit, nor whereby the Issue or Trial are altered, shall be amended by the Justice or Justices of His Majesty's said Supreme Court of Judicature, or of any other of the Courts of Record aforesaid where such Judgments are or shall be given, or whereunto the Record is or shall be removed by Writ of Error, or by Appeal, in any Action, real, personal or mixed, according to the Usage and Course of proceedings in this Island.

V. *And be it further enacted,* That where any Demurrer shall be joined in and entered in any Action or Suit in His Majesty's Supreme Court of Judicature aforesaid, or in any other of the Courts of Record which now are, or which hereafter shall or may be established within this Island, the Justice or Justices thereof shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regarding any Imperfection, Omission or Defect in any Writ, Return, Plaint, Declaration or other Pleading, Process, or Course of Proceedings whatsoever, except those only which the Party demurring shall especially and particularly set down and express, together with his Demurrer, as Causes of the same, although such Imperfection, Omission or Defect be Matter of Substance, so as sufficient Matter appear in the said Pleadings, upon which His Majesty's said Supreme Court of Judicature, or any other Court of Record aforesaid, may give Judgment according to the very Right of the Cause; and therefore no Advantage or Exception shall be taken of or for any immaterial Traverse, or of or for the Default of entering Pledges upon any Bill or Declaration, or of or for the Default of alleging the bringing into Court any Bond, Bill, Indenture, or other Deed whatsoever mentioned in the Declaration, or other Pleading; or of or for the Default of alleging the *bringing into Court Letters Testamentary, or Letters of Administration;* or of or for the omission of *by Force and Arms and against the Peace,* or either of them; or of or for the want of Averment of, *This he is ready to verify,* or of *This he is ready to verify by Record;* or of or for not alleging *as it appears by the Record;* but any of the said Courts shall give Judgment according to the very Right of the Cause as aforesaid, without regarding any such Imperfections, Omissions and Defects, or any other Matter of the like Nature, except the same shall be specially and particularly set down and shewn for Cause of Demurrer.

Justices shall give Judgment on Demurrer, &c. without regarding any defect in Writ, &c.

Exceptions.

Judgments entered upon Confession, &c. not to be reversed for any imperfection, &c.

VI. *And be it further enacted*, That no Judgment entered upon Confession, *Nihil dicit*, or *Non sum Informatus*, in His Majesty's said Supreme Court of Judicature, or in any other Court of Record aforesaid, shall be reversed, nor any Judgment upon any Writ of Inquiry of Damages executed thereon, be stayed or reversed for or by reason of any Imperfection, Omission, Defect, Matter or Thing whatsoever, which by Force of this Act would have been aided or cured as *Jeofails*, in case a Verdict of Twelve Men had been given in the said Action or Suit, so as there be an original Writ or Bill, and Warrants of Attorney duly filed, as by this Act is directed.

Act to extend to all Suits for the King's Debts, &c.

VII. *And be it further enacted*, That this Act shall extend in all *Jeofails* as aforesaid, to all Suits in His Majesty's Supreme Court of Judicature, or in any Court of Record that now is, or which hereafter may be established, for Recovery of any Debt immediately owing, or any Revenue belonging to His Majesty, His Heirs or Successors.

To what this act shall not extend.

VIII. *Provided always, and be it enacted, by the authority aforesaid*, That nothing in this Act before contained shall extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, or to any Indictment or Presentment of Treason, Felony or Murder, or other Matter; or to any Process upon any of them; or to any Writ, Bill, Action or Information, upon any Penal Statute.

No dilatory Plea to be received, unless on Affidavit.

IX. *And be it further enacted*, That no dilatory Plea shall be received in His Majesty's said Supreme Court, or in any other Court of Record which now is, or which shall or may be established, unless the Party offering such Plea do, by Affidavit, prove the Truth thereof, or shew some probable matter to the Court where the Suit may be depending, in order to induce them to believe that the Fact of such dilatory Plea is true.

CAP. VIII.

An ACT for quieting the Minds of, and establishing certain Privileges to His Majesty's Subjects professing the Popish Religion, now residing, or who may hereafter reside on this Island.

Repealed by 11th Geo. 4th c. 7.

CAP. IX.

An Act for more especially making Lands and Tenements liable for the Payment of Debts; also to enable the Holders of Mortgages to sell the Premises mortgaged to them more speedily and at less Expense than heretofore; as also to repeal an Act made in the Twenty-first Year of His present Majesty's Reign, intituled *An Act making Lands and Tenements liable to the Payment of Debts.*

Altered and amended by Act of the 25th Geo. 3d, c. 8.

WHEREAS great inconveniences have arisen to the Creditors as well as Owners of Real Estates within this Island, from the manner in which Lands and Tenements have been heretofore made liable to the Payment of Debts: For remedy whereof,

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, an Act made in the Twenty-first Year of His present Majesty's Reign, intituled *An Act making Lands and Tenements liable to the Payment of Debts,* shall be no longer in Force within this Island, but the same, and every part thereof, is hereby repealed.

Act 21st Geo. 3d, c. 3. repealed.

II. *And Whereas* it will tend to the great Benefit of this Island to make Lands and Tenements liable, like Goods and Chattles, to the Payment of Debts, as thereby the Value of Lands will be

Preamble.

increased, and the Landholders more easily obtain Credit, by which means they will be enabled to extend their Cultivations and Improvements:

Lands &c. made liable for payment of Debts.

Be it therefore enacted, That from and after the Publication hereof, all Lands, Tenements, and Hereditaments within this Island, shall, and the same are hereby made liable to the Payment of all Debts contracted by the Owner thereof, in as full and ample a manner as the Goods, Chattels, or Effects of Debtors were heretofore made liable for the Payment of their just Debts, subject only to the Rules and Regulations herein after mentioned and expressed; that is to say, when any Person or Persons, after the Publication hereof, shall recover Judgment in any of His Majesty's Courts of Record which now are, or hereafter shall or may be established in this Island, for any Sum or Sums of Money, or for Costs of Suit, and the Person or Persons against whom Judgment shall be so obtained shall be either unable or unwilling to satisfy such Judgment in Money; or if he, or some Person in his Behalf, shall not produce and shew sufficient personal Estate whereon to levy Execution on such Judgment; then and in such case it shall and may be lawful for the Sheriff, or his Deputy, to extend such Execution on the real Estate of such Debtor or Debtors; and after such real Estate or Estates shall be so taken in Execution, it shall and may be lawful for the said Sheriff, or his Deputy, immediately to advertise, as herein after is directed, the said Estate, so taken in Execution, or so much thereof as shall be sufficient to discharge the Execution so extended thereon, with Costs and Charges, to be sold at the most public place within his Precinct, in *Six Calendar Months* (to be computed from the day in which such Execution shall be extended) and Advertisements so posted; which Advertisements shall be posted at Three of the most public Parts of *Charlotte-Town,* and shall also be posted upon the Premises so to be sold:—and the said Premises so to be sold shall be thereupon put up to fair Auction, and shall be sold to the highest Bidder, who shall be declared by the Sheriff, or his

Any Person recovering Judgment, and the Person against whom the same may be recovered being unable to pay or cannot shew sufficient personal Effects to satisfy the said Judgment;

the Sheriff then may levy Execution on the Debtor's real Estate; and he may advertise the same, or as much thereof as may be sufficient for discharging the Execution, &c.

Advertisements to be posted at three parts of Charlotte-Town, notifying the same to be sold at Auction at that Period.

Deputy, to be the Purchaser. And it shall and may be lawful for the said Sheriff, or his Deputy, to execute immediately, to such Person or Persons as shall purchase the Premises so sold at Auction as aforesaid, an absolute Deed of Sale, without any Clause of Redemption therein contained, specifying therein the consideration paid by the Purchasers, as well as the Name or Names of the former Owner or Owners of said Lands, and the Name or Names of the Person or Persons at whose Suit such Lands have been sold; which Deed shall be good and sufficient in Law to create to and vest in such Purchaser or Purchasers, their Heirs or Assigns, a good and absolute Estate, in *fee simple* for ever, or otherwise as the Nature of the Estate so sold shall admit of, and in the Premises comprehended in such Deed *Provided*, such Premises were the absolute Estate in *fee simple*, or otherwise as aforesaid, of the Person or Persons against whom the Execution, by Virtue whereof such Sale shall be made, was issued. And it shall and may be lawful for the Sheriff, or his Deputy, after such Deed shall have been so executed, to enter into the Premises specified in such Deed, and to put such Purchaser or Purchasers into the quiet and peaceable Possession thereof.

Sheriff, &c. to execute a Deed to the Purchasers of the Premises, without any clause of Redemption.

Which Deed shall be to the Purchaser and his Heirs or Assigns a good Estate in fee Simple.

III. *Provided nevertheless*, That if the Premises so sold, or any part thereof, shall have been leased by Instrument in Writing, to any Tenant or Tenants, before the extending Execution thereon, whose Lease or Leases shall not have expired at the time of such Sale, that then it shall and may be lawful for the Sheriff, or his Deputy, to notify such Tenant or Tenants, that they must attorn and become Tenants to such Purchaser or Purchasers: And in case such Tenant or Tenants, after such Notice received as aforesaid, shall refuse to attorn and become Tenant or Tenants to such Purchaser or Purchasers, according to Law, that then the Lease or Leases of such Tenant or Tenants shall be deemed Null and Void, to all Intents and Purposes, without any Process at Law whatsoever, the same as if such Lease or Leases had never been executed. And further,

If Premises so sold shall have been leased, and Tenant's Lease shall not be expired, Sheriff to notify such Tenant to attorn and become Tenant to the Purchaser.

Tenant refusing to attorn, his lease to become void, without any Process at Law, and be subject to Action of Damages, for illegally overholding.

it shall and may be lawful for such Purchaser or Purchasers, in any Court of Record which now is, or which hereafter shall or may be established in this Island, to prosecute and recover against such Tenant or Tenants, Damages and Costs for such illegal Overholding: And in case only Part of the Premises included in the Lease or Leases of such Tenant or Tenants may be necessary to be sold by Virtue of such Execution or Executions, and it may be uncertain how much of the whole Rent reserved in the Lease or Leases of such Tenants he or they ought to pay the Purchaser or Purchasers under such Execution or Executions, it shall and may be lawful for the Sheriff, or his Deputy, to estimate the same by the Appraisement of three reputable impartial Householders, dwelling in the neighbourhood where such Lands shall or may lie, who shall be thereupon sworn by the Sheriff, or his Deputy, to decide impartially between the Parties; one of said Appraisers to be appointed by the Owner or Owners, Tenant or Tenants or his or their Landlord or Landlords; the other by the Purchaser, and the third by the Sheriff. And if the said Parties, or some Person lawfully authorised thereto by them, after such Notice given, shall neglect to attend the Sheriff to appoint Appraisers as aforesaid, it shall and may be lawful for the Sheriff or his Deputy to nominate as aforesaid for the Person so neglecting. And after such Appraisers shall have estimated the Portion of Rent such Tenant or Tenants ought to pay to the Person or Persons so purchasing a Part of the Premises leased to him or them, such Tenant, after being properly notified, shall attorn and become Tenant to such Purchaser; and in case of Refusal to attorn, and become Tenant to such Purchaser, he or they shall thereupon be liable to the same Penalties in every respect, and to be prosecuted as aforesaid: And such Tenant or Tenants, upon attorning as aforesaid, shall stand discharged of and from the Claims of his or their Landlord, for so much Rent as the said Appraisement shall amount to, and shall perform all such Covenants in his or their Lease, so

In case any part of Premises included in any Tenant's Lease may be necessary to be sold by said Execution,

Sheriff, &c. to swear 3 Freeholders Appraisers to estimate the Rents, &c.

far as the same may relate to the Premises so sold, to the Purchaser thereof, in as full and ample manner as he was bound to perform the same to his or their Landlord.

IV. *And be it further enacted*, That the Sheriff or his Deputy shall appraise the value of all real Estates taken in Execution as aforesaid, by three impartial respectable Householders, to be appointed as aforesaid, who shall be first sworn by the said Sheriff, or his Deputy, whether he knows or is acquainted with the Premises so to be appraised, fourteen Days before he shall proceed to sell the same; and if they do know or are acquainted with the said Premises, then such Householders shall be sworn by the said Sheriff, or his Deputy, justly and truly to appraise and value such Estates. And if the appraised Value thereof shall exceed the Amount of such Execution, including the Sheriff's Fees, then it shall and may be lawful for the said Sheriff, or his Deputy, to set up at Auction, and sell only so much of said real Estate, as will be sufficient to discharge the said Execution, and Costs and Charges. And in case the Owner of such Estate so to be sold, or some Person on his Behalf, shall neglect to attend the Sheriff or his Deputy to point out which Part of such real Estate it will be least inconvenient for such Debtor to be deprived of, then it shall be lawful for the said Sheriff or his Deputy to set up and sell that Part of the said Estate which shall appear, at the time of such Sale, to be of the least immediate Advantage to the Debtor; and if the Proceeds of such Sale shall exceed the Amount of such Execution or Executions, and Costs and Charges, such Overplus shall be paid over to the Debtor, or to some Person lawfully authorised to receive the same: And in case no such Person appears, then the Sheriff or his Deputy, shall pay the Overplus into the Court out of which such Execution issues, there to be lodged for the benefit of the right Owner. And in case there shall not be sufficient real Estate as aforesaid to satisfy such Execution upon Return thereof, then the Party shall or may have an

Sheriff 14 days before proceeding to sale of real Estates, to have the same Appraised by 3 Freeholders, to be sworn as aforesaid.

If valued for more than amount of Execution, &c. then only such part thereof to be sold at Auction, as shall be sufficient to discharge Execution.

In case Owner of such Estate, or some Person in his behalf, shall not attend to point out such Part as will be least inconvenient for him to be deprived of, Sheriff may then sell such Part as may be least disadvantageous to the Debtor.

Overplus arising from Sale to be paid to Debtor, and upon his not appearing, then into Court for his Use.

There not being sufficient real Estate, then Creditor

to have an alias Execution.

alias Execution for the Remainder. And the Sheriff, or his Deputy, shall annex to all Executions, when they return the same, the Appraisement herein before directed to be made. And the said Sheriff, or his Deputy, shall on no account, disturb any Person or Persons in Possession of Lands or Tenements at the time he shall levy Execution thereon, but shall leave such Person or Persons in the peaceable Possession thereof, until final Sale shall be made as aforesaid.

Nothing in this Act shall affect any Suit now depending.

Actions may be prosecuted without delay.

V. *Provided always, and be it enacted,* That nothing in this Act contained shall extend, or be construed to extend, to such real Estates against which any Action or Suit at Law has been already commenced, or is now depending, in Pursuance of the said herein before recited Act, but that each and every such Action or Suit may be prosecuted without delay.

Preamble.

VI. *And Whereas* the Manner in which Mortgages are now foreclosed within this Island is found tedious and very expensive: For Remedy whereof,

Lands, &c. mortgaged for 200*l.*, Action may be brought in Supreme Court.

Be it enacted, by the Authority aforesaid, That from and after the Publication hereof, it shall and may be lawful for any Person or Persons whatsoever, to whom any Lands or Tenements within this Island now are, or may hereafter be, mortgaged for any Principal Sum, not exceeding *Two Hundred Pounds*, he, she, or they electing so to do, may bring an Action on the Case in His Majesty's Supreme Court of Judicature, at any of the Terms thereof, to recover the same against the Mortgagor, his Executors, or Administrators, and to set forth in his, her, or their Declaration, the Substance of such Mortgage. And in case the Mortgagor shall appear and plead thereto, it shall and may be lawful for such Mortgagor to give in Evidence and Proof all such Payments as have been made by him, on account of such Mortgage, *provided* he shall have furnished the Mortgagee, or his Attorney, with such Account, fourteen Days before Trial. And it shall and may be lawful for the Jury by whom such issue shall be

Substance of Mortgage to be set forth in Declaration.

In case Mortgagor appears and pleads, to be entitled to give in Evidence all payments he had made, &c.

Provided he shall furnish Mortgagee or Attorney with Account thereof, 14 days before Trial. Jury to li-

tried, to liquidate such Accounts, and to find a Verdict for the Amount of the principal Sum and Interest then due on such Mortgage, calculating Interest thereon for *Six Months* after the End of the Term in which such Trial shall be had: And the said Supreme Court shall thereupon give Judgment for the same, with full Costs. And in case the said Mortgagor shall neglect to appear, and suffer Judgment to go against him by Default, then the said original Mortgage shall be produced in open Court; and the Justices shall cause the Amount of the Principal, and Interest due thereon, to be made up in their Presence, allowing interest as aforesaid, and Judgment shall be given for the same, with full Costs; and Execution shall thereupon issue, directed to the Sheriff, or his Deputy, who shall sell the mortgaged Premises, under the Restrictions, and in Manner and Form as herein before specified for the Sale of Lands taken in Execution. And in case the Mortgaged Premises, when sold as aforesaid, shall not produce sufficient to discharge the Amount of the Execution, and the said Charges, the Party, on Return thereof, may have an *alias* Execution against the Mortgagor's Body, Chattel Interest, or real Estate, for the balance unsatisfied on such Execution.

quidate all Accounts, and allow Six Months Interest, to be calculated from the end of the Term in which Trial shall be had.

In case Mortgagor shall neglect to appear, the Justices of Supreme Court shall cause Principal and Interest to be made up in their Presence, allowing Interest as above.

On Judgment, Execution to issue, and Sheriff to sell in like Manner as herein before directed.

Mortgagee, in case of Premises, when sold, being insufficient to pay off, to have an alias Execution.

VII. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to any Mortgages wherein the principal Sum shall exceed *Two Hundred Pounds*, or where any Suit has already been brought to foreclose the same; but that such Mortgages shall be proceeded on in the usual Form, any Thing herein contained to the contrary notwithstanding.

Not to extend where principal Sum exceeds 200*l.* or where Suits have already been brought to foreclose.

VIII. *And be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to the Sale of Houses or Lands on which Execution shall have been levied, and which may sell for more than the Amount of such Execution; in which Case the Overplus shall be paid in Manner and Form as herein before is directed, respecting Sales of real Estates.

Not to extend to Sale of Houses on which Execution has been levied, and may sell for more than the Amount of Execution.

Overplus to be paid in Manner herein before directed.

Suspending Clause until His Majesty's Pleasure shall be known.

IX. *Provided also,* That nothing in this Act contained shall have any Force or Effect until His Majesty's Pleasure therein shall be known.

☞This Act has been allowed by His Majesty, Dated 18th August, 1790.

CAP. X.

Amended by 30th Geo. 3d, c. 4.

An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, no Person shall be held to Special Bail upon any Process issuing out of the Supreme Court of Judicature, where the Cause of Action shall not amount to the Sum of *Five Pounds,* or upwards; and in all Causes where the Sum in demand shall exceed *Five Pounds,* the Sheriff, Coroner, or their Deputies, may arrest, imprison, or hold to Bail, any Debtor or Debtors, or attach the Goods, Chattels or Estate of such Debtor or Debtors, upon the Plaintiff in such Actions, his Attorney, Agent, Clerk, Factor, or Servant, making and subscribing an Affidavit in Writing, before any one Justice of the Court, from whence such Writ shall issue, or, in the absence of such Justice, before any one of His Majesty's Justices of the Peace, that the Defendant is justly indebted to the Plaintiff in any Sum exceeding *Five Pounds;* (which Affidavit shall be filed in the Office of the Clerk of the Court from whence the Writ shall issue.) Whereupon the Sum specified in such Affidavit shall, by the Clerk of the said Court, be indorsed on the Back of the said Writ, in the Form following, "*by Oath for*" (in words at full length) for which Sum, so indorsed, the Sheriff, Coroner or their Deputies,

In all Cases where Demand shall exceed 5*l.*, Attachment may be made on Goods, &c. or the Debtor arrested, imprisoned, or held to Bail.

Upon the Plaintiff or his Attorney making affidavit before a Justice, or in absence of Justice, before a Justice of Peace.

Affidavit to be filed with the Clerk of the Court. Sum sworn to be indorsed on the Writ.

shall take Bail or make Attachment as aforesaid, and for no more; any Law, Usage or Custom to the contrary notwithstanding.

II. *And be it further enacted*, That if such Action shall be brought by any Agent, Factor, or Attorney, in the name of his Principal, (he being absent) then, upon producing an Affidavit of the Debt of his Principal, duly authenticated according to the Laws of that part of *Great Britain* called England, or the Usage or Practice of His Majesty's other *Colonies* in such cases, and upon the Affidavit's being respectively filed as aforesaid, the Clerk of the said Court from whence any Writ in consequence thereof may issue shall indorse the Sum so sworn to; and Bail shall be required, or an Attachment may be made accordingly, as the Case may require.

If Plaintiff be absent, his Attorney may file his Affidavit,

on which the like Proceedings shall be had.

III. *And be it further enacted*, That when any Person shall be arrested by Virtue of any Writ or original Process, the Sheriff, Coroner, or either of their Deputies (as the case may be,) shall be obliged, and they are hereby respectively required, upon sufficient Bail being offered, to let such Defendant go at large, upon his first executing a Bond, with two sufficient Sureties, to the said Sheriff, or Coroner, with a Condition thereunder written for the due Appearance of the Defendant or Defendants on the first Day of the Court to which such Writ is or may be returnable; and if such Defendant shall not appear accordingly, and give in sufficient Bail to abide the final event of the Suit, Judgment shall then be entered against him by Default. And the Sheriff, or Coroner, shall then and there, in Court, upon the Request of the Plaintiff or his Attorney therefor, assign the Bail Bond, by indorsing his Name thereon, for the benefit of the Plaintiff, to be put in Suit, or otherwise to recover the Penalty thereof: Which Assignment shall not prevent the Plaintiff from proceeding to final Judgment and Execution in the same Court against the Defendant in the said Action, as in cases wherein

Upon Bail given, the Officer to let Defendant go at large.

If Defendant do not appear according to Condition of Bond, and give Bail to abide the final event of the Suit, Judgment to be entered against him by Default: and Bail Bond assigned.

Upon Defendant's Appearance, or giving special Bail, the Bail Bond to be discharged.

Default is made: But whenever it shall so happen that the Defendant in the said Action do appear according to the Tenor of the Condition of the said Bond, and give Bail at Bar, to the Satisfaction of the Court, to abide by the final Issue and Determination of the Suit; or if the Defendant, from some Impediment, shall not appear, but nevertheless two sufficient Persons, to be approved of by the Court, shall offer to become Bail in manner aforesaid; in such case the Bail for Appearance only shall be discharged.

Writ or Process issued for any Sum without an Affidavit and Indorsement, the Defendant's Body shall not be liable to be arrested, but to be served personally with a Copy of such Writ or Process.

IV. *And be it further enacted*, That from and after the Publication hereof, if any Writ or Process shall issue out of the said Supreme Court of Judicature for the Sum of *Five Pounds*, or upwards, and no Affidavit and Indorsement shall be made as aforesaid, the Plaintiff or Plaintiffs named in such Writ or Process shall not proceed to arrest, or cause to be arrested, the Body of the Defendant or Defendants therein, but shall serve him, her, or them, personally with a Copy of such Writ or Process; and if such Defendant or Defendants do not thereupon appear at the Return thereof, or within *Four Days* next after such Return, then and in such case it shall and may be lawful to and for the said Plaintiff or Plaintiffs, upon Affidavit being duly made and filed in the said Supreme Court of Judicature, of the personal Service of such Writ or Process as aforesaid (which said Affidavit shall be filed *gratis*,) to enter a common Appearance, or to file common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had actually entered his, her, or their Appearance, or filed common Bail; any Law or usage to the contrary notwithstanding.

Defendant not appearing at Return, Plaintiff may enter a common Appearance, &c.

CAP. XI.

An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for establishing the Times and place of holding the Supreme Court of Judicature.*

See Note on 13th Geo. 3d, c. 3.

WHEREAS it has been justly complained of, that there being only two Terms in the Year appointed for holding His Majesty's Supreme Court of Judicature within this Island, has been productive of much Delay in obtaining Justice, and great prejudice to public Credit; For Remedy whereof,

Preamble.

I. *Be it therefore enacted, By the Lieutenant Governor, Council and Assembly,* That from and after the Publication hereof, a new Term shall be hereby established and added to the two former Terms of the Supreme Court of Judicature, the one directed by the said Act to be held on the third *Tuesday* in the Month of *February*, to be called Hilary Term, and the other thereby directed to be held on the last *Tuesday* in the Month of *June*, to be called Trinity Term thereof; and which said new Term shall be called Michaelmas Term, and commence at Charlotte-Town, on the last *Tuesday* in *October*, yearly and every Year, with the same Number of Return Days as belong by Law to the said two other Terms, called Hilary Term, and Trinity Term, and with all other the Powers created and given in and by the said Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act for establishing the Times and Place of holding the Supreme Court of Judicature*, or in and by any other Act in addition to or in amendment of the said Act.

A new Term to be added to the two former Terms,

to be called Michaelmas Term, and to be held annually, on the last Tuesday in October,

with the same number of return Days as the two other Terms, and to have all other rights as established to them by 13th Geo. 3d c. 3.

All Writs, &c. Judgments, &c. proceeded on and awarded, to be as valid as if commenced and proceeded upon in either of said Terms.

II. *And be it further enacted*, That all Writs, Pleas, Processes, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees and Sentences whatsoever, which shall or may be had, given, or awarded, of or concerning any Matter or Thing whatsoever, that may be lawfully commenced and prosecuted to final Judgment, at any Time or Times hereafter in said Term, called Michaelmas Term, shall be, and the same are hereby declared to be, as available, good, and valid, in the Law, to all Intents and Purposes, as if the same had been commenced, sued and prosecuted, in either of the said two other Terms, respectively called as aforesaid Hilary Term and Trinity Term, in pursuance of the said herein before in part recited Act; subject nevertheless to all the Provisions and Provisos therein contained.

Subject, &c.

Two former Terms to be called Hilary and Trinity Terms.

III. *And be it further enacted*, That the said two Terms, so as aforesaid directed and appointed in and by the said herein before in part recited Act, to be held in every Year, the one on the third *Tuesday* in *February*, and the other on the last *Tuesday* in *June*, shall hereafter be distinguished and known by the respective names of Hilary Term and Trinity Term, and by no other; any thing in the said herein before in part recited Act to the contrary in any wise notwithstanding.

CAP. XII.

This Act was passed with a suspending Clause, and did not receive His Majesty's Approbation.

An ACT for re-investing His Majesty, for a limited time, with certain Tracts of Land in the Island of Saint John.

CAP. XIII.

An ACT for the Trial of Actions in a summary Way.

Amended by 43d of Geo. 3d, c. 3.

WHEREAS the Recovery of Small Sums has heretofore been tedious, and very expensive, by disproportional Costs: *And Whereas* the Trial of Causes in a summary Way, so far as the same has been in practice, has been found useful, and a means of determining many Suits with little Costs:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Publication hereof, the Justices of His Majesty's Supreme Court of Judicature shall be and they are hereby empowered, in all Actions of Debt, Case, Trover, Trespass, or Detinue (and all other Actions wherein the Title of Lands shall not be drawn in Question,) and which shall or may be brought before them, and wherein the Sum or Damages demanded shall not exceed *Twenty Pounds*, of lawful Money of this Island, to proceed in a summary Way, upon the Appearance of both Parties, or upon it being proved in open Court, upon Oath, by one competent Witness, that the Defendant had been duly served with the usual Process of the said Court; After which the said Court shall proceed to examine the Merits of such Causes by Witnesses (wherein no dilatory Plea shall be allowed,) and to determine either for the Plaintiff or Defendant, according to Law and Equity, and to make up Judgment accordingly.

In all Causes in Action of Debt, &c.

the Sum Total whereof not to exceed 20*l*, Justices of Supreme Court to proceed in a summary Way.

II. *And be it further enacted,* That the Defendant or Defendants in such Actions shall, on the Trial or Hearing thereof, have the Benefit of all Matters in his, her, or their Defence, that he, she, or they might have had, if he, she, or they had been sued in the ordinary Forms of common Law, heretofore and now practised in the said

Defendant, on Trial of such Actions, to have the same Benefit that he might have if sued in ordinary Form of common Law, or at Equity, and Justices

Court, or in any Court of Equity in this Island: And the said Justices are hereby empowered and required so to do.

are required so to do.

When the Fact, on Examination of Witnesses, is doubtful, or parties desire it, Jury may be sworn to try the same.

III. *Provided always*, That when, on Examination of the Witnesses (which is hereby directed to be taken in Writing,) the Matter of Fact, from a Consideration of the whole Evidence, may appear doubtful; or when either of the Parties shall desire it, and so elect; the said Court shall, in all such Cases, thereupon order the Sheriff or his Deputy immediately to summon a Jury for the Trial of such Matter of Fact, or, if it be found necessary, appoint a day for such Trial: And Judgment on the Verdict shall or may be entered up and signed for the Party in favour of whom the same shall have been given.

Any one Justice in Term or Vacation time in all Actions brought before the Court, Sum not exceeding 20*l*, may take Debtor's voluntary Confession of Sum demanded by Creditor.

IV. *And be it further enacted*, That any of the Justices of the said Court, either in Term or Vacation Time, is or are hereby empowered, in all Causes of Action brought there, where the Debt does not exceed *Twenty Pounds*, to take the voluntary Confession of the Debtor for the sum demanded by the Creditor, as agreed between the Debtor and Creditor; and upon such Confession, so made by the Debtor, and the Specialty, Contract or Account on which the said Debt arose, being left with the said Justice, and afterwards filed in the Clerk's Office of the said Court, together with the whole Proceedings, and a Record made of the same, such Justice is hereby empowered to order Execution thereon, according to such Agreement as shall appear upon the said Record to have been made between the Parties, for stay of Execution, such Creditor, or his or her Attorney, Agent, or Factor, prior to such Execution being issued, making Oath, that the Debt is, at the very time *bona fide* due to him or her:—which Affidavit shall be, in like manner as aforesaid, filed; and the whole of which said last mentioned Proceedings, together with the Proceedings which shall or may be had in the said summary Actions, shall or may operate in the same manner, in every

Execution, on the Record of such Confession, to issue.

Creditor or Attorney, first making Affidavit that the Debt is at the very Time bona fide due.

Proceedings had on such Confession, and in Actions in a summary Way, are to operate, in every respect, as Ac-

respect, as if the said Actions had been tried, as heretofore, in the said Court; the said Execution to be sued out against the Body or Goods of the Defendant in the Suit, at the Option of the Plaintiff, which, together with the Proceedings or *Mesne* Process in such Suit, the Sheriff, or his Deputy, shall execute in like manner as Writs heretofore issuing out of the said Supreme Court have or ought to have been executed, and shall be answerable in like manner, as in other cases he may have been heretofore answerable for Neglect of Duty.

tions tried and Judgment obtained, &c.

Execution to be against Body or Goods, at the Option of the Party, &c.

V. *And be it further enacted*, That the whole Costs on the said Actions, so as aforesaid proceeded upon or tried in a summary Way, shall not exceed *One Shilling* and *Six-pence* upon each Pound, so sued for and recovered: And on such Confession and Record of the same, as is herein before mentioned, together with the said Execution, and the Costs thereof, shall not exceed *One Shilling* in the Pound. And the said Costs so allowed and directed shall be exclusive of any Charge or Costs for or attendant on a Jury impannelled for the purposes aforesaid; also the Sheriff, or his Deputy, Bailiffs, Crier, Court-keeper and Gaoler's Fees.

Costs, on Trial and Recovery, in a summary Way, not to exceed one Shilling and Six-pence in the Pound.

On Confession, one Shilling in the Pound.

Each to be exclusive of Jury, Sheriff, &c.

VI. *And be it further enacted*, That for the future no Action for any Debt, except those herein before particularly mentioned, where the whole Cause of Action does not exceed *Five Pounds*, shall be brought against any Person or Persons whatsoever in the said Court.

No Action for any Debt where the whole Dealing does not exceed 5*l.* shall be brought against any Person in Supreme Court.

VII. *And be it further enacted*, That all Persons who shall or may be legally served with a Ticket, by Virtue of a Writ of Subpœna, to give Evidence in any summary Action, and shall at the same time have his, her, or their reasonable Charges tendered to him, her, or them, shall be obliged to appear as therein commanded, and give his, her, or their Testimony; or in Default thereof be subject to be proceeded against in the said Supreme Court of Judicature for his, her, or their Contempt for such Neglect; as also to make good the Damages that the injured Party may have sustained in such Action,

Witnesses, legally served with Subpœna, to attend and give Evidence, or be subject to be proceeded against for Contempt, and to make good damages sustained by Party injured.

for want of the benefit of his, her, or their said Testimony; and the Costs attending such subpœna Ticket and Attendance (the same to be ascertained and taxed by any one of the said Justices,) shall be allowed over and above the several other Costs herein before mentioned.

Persons examined on Oath, who shall commit wilful Perjury, to be set in Pillory for one Hour, and Ears to be nailed thereto.

VIII. *And be it further enacted*, That all Persons who shall or may be examined, on Oath, before the said Justices of the said Supreme Court, or any one of them, by Virtue of this Act, and who shall commit wilful Perjury, and be thereof duly convicted, shall be severally set in and upon the Pillory, for the space of *One Hour*, beside having his, her, or their Ears nailed thereto.

CAP. XIV.

An Act to prevent the Multiplicity of Law-Suits.

In Actions sued upon Book Accounts, Defendant may file Account with the Clerk of the Court, seven Days before the sitting thereof.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly*, That in all Actions sued on Book Accounts, the Defendants therein may file their respective Accounts against the Plaintiffs with the Clerk of His Majesty's Supreme Court of Judicature, or the Clerk of any other Court of Record that now is, or which shall or may hereafter be established in this Island, wherein such Actions now are or hereafter shall or may be depending; *Provided* the same be filed, and an attested Copy thereof be served on the Plaintiff, or his Attorney, at least *Seven Days* before the first Day of the respective Terms of the said Courts. And the said Courts are hereby respectively empowered to proceed, on Issue joined, to enquire into the Merits of both Accounts, before one and the same Jury, and on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiffs or Defendants. And where the Action shall be commenced on any Bond, Bill, Note or Agreement in Writing, the Defendant may, in like manner, file his Receipt or Discharge for Part or the whole, according as he hath made Payment: *Provided*, such Receipt or

Both Accounts to be proceeded on, and inquired into, by the same Jury.

Actions commenced on Bond, &c. Receipts may be filed and proceeded on as above directed.

Discharge be in Writing, and signed by the Plaintiff, or his Attorney, lawfully empowered to receive the same. And the said several Courts are hereby empowered to proceed to examine into the Merits of the same, in like manner as in Book Accounts between Plaintiffs and Defendants, and equitably to reduce all such Bonds, Notes, Bills, and Writings obligatory, to the just Debt, with Interest, Damages, and Costs, according to the nature of such Writing, Deed, or Instruments: and the Jury are hereby empowered to give their Verdict accordingly.

CAP. XV.

An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island, also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the Use of the Crown.

Amended by 48th Geo. 3d, c. 2.

Preamble.

WHEREAS the important Duties of Sheriff have been hitherto executed in this Government by a *Provost Marshal*, an Officer whom His Majesty has been graciously pleased to appoint in the Infancy of His respective Colonies, before fit persons could be had to fill and supply that Office: And although such appointment may have been highly necessary and expedient in this Island at the time it was made, yet, as the same is not annual, as is that of Sheriff, and the Salary allowed for such an Office not being sufficient to maintain him as a Gentleman, without having recourse to other means for subsistance: *And whereas* the most probable means for him to adopt for that purpose are such as his Office may afford, and which a needy man is too apt, if continued long therein, to find out, and to be

induced thereby to practise Extortion, and to become variously oppressive to His Majesty's Subjects: —For Remedy whereof, and to bring this Government, as near as may be, to resemble the envied and happy Constitution of our Mother Country:

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the Publication hereof, it shall and may be lawful for the Chief Justice, or, in his absence, for the eldest Justice of His Majesty's Supreme Court of Judicature in this Island, once in every Year—that is to say on the third *Monday* in *April* annually, to nominate three proper and fit Persons to be made High Sheriff for this Island at large, (the same to be done in Writing;) and a Copy of which Nomination, being signed by the said Chief Justice, or eldest Justice, he, so signing the same, is hereby directed, immediately thereupon, to present to the Governor, Lieutenant Governor, or Commander in Chief for the time being, who is hereby empowered immediately to prick one out of the said number to serve the Office of High Sheriff as aforesaid, for the ensuing Year: Which Sheriff, being so appointed, shall thereupon take the usual Oaths of Office, together with the Oaths herein after prescribed. And immediately upon his receiving his Patent, and having entered good and sufficient security, to be approved of by the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council, for the faithful Execution of his Office, in the Provincial Secretary's Office, he shall be fully invested with all the Powers and Authorities of a High Sheriff, and be subject to all such Acts, made and passed in this Island, as may in any manner have related to the Duties and Execution of the Office of Provost Marshal, and be entitled to the same Fees as are established by Law for the said Provost Marshal; and shall also have, possess, and enjoy, during the continuance of his Office, all and every the Powers and Authorities which His Majesty's Provost Marshal have possessed or enjoyed, either by Virtue of

The Chief Justice, or, in his absence, the oldest Justice, on every third Monday in April, annually, to nominate three fit Persons for the Office of Sheriff for this Island at large.

Copy of such Nomination, being signed, to be presented to Governor,

Who is thereupon to prick out one to serve the ensuing Year.

Sheriff to take the usual Oaths of Office, &c. and upon receiving his Patent, and having given approved Security, to be fully invested with all the Powers and Authorities of a High Sheriff,

and to be subject to all Acts relative to the Duties of the Office of Provost Marshal, and to be entitled to the same Fees, &c.

any Law of this Island or in Right of any Usage or Custom thereof.

II. *And be it further enacted,* That if any Person or Persons whatsoever, who may be so appointed to execute the said Office of High Sheriff, after *Eight Days* Notice thereof duly served, shall refuse to accept the same, the Person or Persons so refusing shall be subject to a Fine of *Ten Pounds,* lawful Money of this Island, for such his Refusal; which Fine shall and may be recovered by Bill, Plaint, or Information, in His Majesty's said Supreme Court of Judicature, and when recovered, the same shall be paid to the Treasurer of this Island, to and for the Use and Service thereof.

Persons appointed Sheriffs, after Eight Days Notice, and refusing to accept, to pay a Fine of 10*l.*

Mode of Recovery.

Application of Fine.

III. *And be it further enacted,* That upon each and every such refusal, the Chief Justice, or, in his Absence, the eldest Justice, shall make out another List of proper and fit Persons to serve the Office of Sheriff as aforesaid, and shall deliver the same as aforesaid to the Governor, Lieutenant Governor, or Commander in Chief, who is hereby empowered to prick one nominated Person thereout, who, upon Refusal, after having received Notice as aforesaid, shall be liable to the said Fine, and so to continue, by new Returns and Appointments, until a Person shall be nominated that will consent to and actually serve the said Office of Sheriff.

The Chief Justice or, in his absence, the eldest Justice, upon every subsequent Refusal, to make out another List of fit Persons to serve the Office of Sheriff, and to deliver the same, as before directed, to Governor, &c.

Governor to prick one thereout as aforesaid, who after receiving Notice as before directed, and refusing to serve, to be liable to the said Fine, &c.

IV. *And be it further enacted,* That the Sheriff, so as aforesaid appointed and sworn, shall continue in Office until another shall be appointed and sworn in his stead.

Sheriff to continue in Office till another is sworn.

V. *And be it further enacted,* That if any Sheriff, or his under Sheriff, shall levy or receive any Sum or Sums of Money whatsoever, by Virtue of any Execution, Writ, or Process whatsoever, and shall retain such Sum or Sums of Money in his or their Hands, for the Space of *Twenty-four Hours* after the Person or Persons legally authorised to receive the same, or any Person lawfully by him or them appointed for that Purpose, shall, in the presence of one credible Witness, demand such Sum or Sums of Money to be paid over to him, or them; that then and

Sheriff, &c. receiving Money, to account for the same, if required, in Twenty-four Hours, or if detained, to be liable to a Fine of Five Shillings in the Pound, for every Week the same shall be detained, after Demand made.

in such case, the said Sheriff shall forfeit to the Party entitled to receive such Sum or Sums of Money, for each and every Week that he, or his under Sheriff, shall retain the same, the sum of *Five Shillings* for every Pound of lawful Money of this Island, which he, or his under Sheriff, shall retain, after Demand made as aforesaid; the same to be recovered by Bill, Plaint, or Information, in the said Court.

Mode of Recovery.

VI. *And be it further enacted*, That after any Writ, Process, or Execution, directed to any Sheriff out of any Court of Record that now is, or which hereafter shall or may be established in this Island, shall have been delivered to him, or to his under Sheriff, such Sheriff, or under Sheriff, so receiving and taking Delivery of any such Writ, Process, or Execution, is hereby required to return the same, with his Doings thereon endorsed, in due time, and according to the Command thereof, into the Court where such Writ shall have been made returnable: And if the said Sheriff, or his under Sheriff, shall neglect to make such Return on any Writ, Process, or Execution, so as aforesaid delivered, the said Sheriff shall forfeit and pay the Sum of *Twenty Pounds*, of lawful Money of this Island; the same to be recovered by any Person or Persons whatsoever, by Bill, Plaint, or Information, in any of His Majesty's Courts of Record that now are, or which shall or may hereafter be established in this Island.

Penalty for neglect of duly returning any Writ, &c.

Mode of Recovery.

VII. *And be it further enacted*, That if any Sheriff, or his under Sheriff, shall, on any Pretence whatsoever, after any Summons, *Capias*, or Attachment shall have come into his Hand, or into the Hand of his under Sheriff, settle with, or receive from, the Party or Persons against whom such Writs shall have issued, any Sum or Sums of Money whatsoever, for, or on Account, or in full for such Sum or Sums of Money as such Writs may have issued for the Recovery of, or shall return any such Writs settled or satisfied, without Leave being first had and obtained, in Writing, from the Party, or from his or her Attorney, suing out such Writs, thereby em-

Sheriff, &c. liable to Fine, and Action for Damage, for compromising any Debt sued for by Writ, &c. without consent of the Party or his Attorney.

powering him so to do; that then such Sheriff shall forfeit and pay to the Plaintiff in such Writs, for each and every Offence whatever Sum or Sums the Court out of which such Writs may have issued shall adjudge, beside being subject to an Action for the Recovery of Damage, or to an Attachment; the said Penalties, so adjudged, to be recovered by the said Plaintiff, by Attachment, or other Process; the same to be sued out of the Court that shall or may inflict the same.

Mode of recovering Fine, and bringing Action for Damage.

VIII. *And be it further enacted*, That if any Sheriff shall happen to die before the full Year of his Appointment shall have expired, or before lawfully superseded, nevertheless the under Sheriff, so by him appointed, shall continue to execute the said Office, in the name of the deceased Sheriff, until another Sheriff shall have been appointed, and sworn into Office as herein before is directed. And the said under Sheriff is hereby made answerable for the due Execution of the said Office, in all respects whatsoever, during such Interval of Time, in the same manner as the High Sheriff, so deceased, or superseded, would or might have been, had he lived or continued in Office until the Expiration of the said Year. And the Security or Securities, (if any) given to the High Sheriff, so deceased, or superseded by the under Sheriff, as also his Pledges, shall stand as Security or Securities to the King's Most Excellent Majesty, His Heirs and Successors, and to all Persons, their Heirs, Executors, Administrators, and Assigns, who may, in any respect whatsoever, be interested or concerned for such under Sheriff's due Performance of his Office during such Interval.

Under Sheriff to continue to act after Death or Removal of High Sheriff, until another is appointed.

Under Sheriff shall be answerable for the due Execution of Office during such Interval, the same as High Sheriff would have been had he continued in Office; and the Security of Under Sheriff to High Sheriff shall stand as Security to His Majesty, &c.

IX. *And be it further enacted*, That all Sheriffs who in future shall or may be appointed to their respective Offices in this Island, shall, on their entering upon the Performance of the same, take and subscribe the following Oath:

Oath to be taken by Sheriffs.

"I A. B. do solemnly swear, that I will truly serve the King in the Office of Sheriff of this Island, "and promote His Majesty's Profit in all Things

Form of Oath.

"belonging to my Office, as far as I legally can or "may. I will truly preserve the King's Peace, and "all rights which belong to His Crown; and where "I have any Knowledge of the King's Revenue "being diminished, concealed, or wasted, or of any "Person or Persons concerned in collecting the "same, being negligent in their Duty, I will certify "and inform the King's representative within this "Island, or some of His Judges, of the same. I "will do Right as well to poor as to rich in "all things belonging to my Office. I will do no "Wrong to any Person whatsoever for any Gifts, "Reward, or Promise, nor for Favour, nor Hatred. "I will disturb no Man's Rights. I will, at the end "of the Year, render to His Majesty's Supreme "Court of Judicature, at Charlotte-Town, a true and "faithful Account of such Debts, Duties, Fines, or "Forfeitures to the Crown, as shall be levied by me, "or otherwise come to my Hands. I will do No-"thing whereby the King, or any of His Subjects, "may lose, or whereby the Revenue of this Island "may be injured or diminished. I will, without "Respite or Delay, return and truly serve all the "Writs coming to my Hands, without Favour or "Affection. I will take no Deputy, or Bailiff, into "my Service, but such as I will answer for; and I "will cause each of them, before they enter on their "Office, to take and subscribe such Oaths as I do, "in what belongeth to their Business and Official "Duty. I will, during my Continuance in Office, "truly set and return reasonable and due Issues of "them that be within Precinct, according to their "Estate and Circumstances, and make due Panels "for Grand and Petty Juries, to the King's Courts "aforesaid, at their several Sittings, of Persons able "and sufficient, as directed by the Laws of this "Island. I will not, during the Continuance of my "Office, receive from any Person or Persons whatso-"ever, either directly, or indirectly, any Fee, Fa-"vour, or Reward, for constituting such Person "or Persons my under Sheriff, or Bailiff, but will "keep a strict eye over such Person or Persons,

"that they do not exact unreasonable Fees, and "that they are not guilty of Extortion or Oppres-"sion in their Offices. I will not ask or demand "from any Person or Persons whatsoever any "more Travel for the Service of any Writ or "Process, than what I have actually and bona "fide performed for the Service of the same. I "will truly and diligently execute the Laws and "Statutes of this Island, and in all Things will "strictly behave myself in my Office for the Hon-"our of the King, and the good of His Subjects. *So help me God.*"

X. *And be it further enacted*, That all Sheriffs appointed to and serving the said Office as aforesaid shall, on or before the third Day's Sitting of the said Supreme Court, at the Trinity Term thereof, next after the Expiration of each and every of their Sheriffalty, render an Account, on Oath, in said Court, of all such Fines, Forfeitures, Penalties, or other Debts or Dues of the *Crown*, as shall be levied by him, together with the Names of the Persons on whom the same shall have been levied; and if any such Sheriff shall neglect or delay such Service longer than the time limited aforesaid, he shall, for each and every such Neglect or Delay, forfeit and pay the Sum of *Twenty Pounds;* the same to be recovered by Bill, Plaint, or Information, in His Majesty's said Supreme Court of Judicature, and when recovered, to be paid to the Treasurer of this Island to and for the Use and Service thereof.

Sheriffs, every Trinity Term next after Expiration of their Sheriffalty, to render an Account of all Fines, &c. that shall have been levied, with the Names of those from whom the same have been levied.

Twenty Pounds penalty on neglect.

Mode of Recovery, and Application of Forfeiture.

XI. *And be it further enacted*, That at the End of every Trinity Term of said Court in every Year, the Clerk thereof shall state a general Account of all Fines, Forfeitures, and Penalties, adjudged to the Crown in the said Court, or in any other Court of Record that now is, or which shall or may hereafter be established on this Island, and which shall be returned or delivered to him by the Clerk or Clerks of any other Court or Courts of Record in this Island; such general Account particularising therein the Names of the

Clerk of Supreme Court to state a general Account of all Fines, &c. adjudged to the Crown,

particularising

the Sums appearing by Sheriff's Accounts to have been levied; as also the Sums then due, and by whom.

Persons who shall or may be adjudged to pay such Fines, Forfeitures, and Penalties, together with the Sums appearing, by the Sheriff's Accounts as aforesaid, to have been levied on Account thereof; as also the Sums that shall or may be then due from the delinquent Party, and the Names of the Persons owing the same; Which said general Accounts, so stated as aforesaid, the said Clerk of the said Supreme Court is hereby directed to certify, under the Seal thereof, into the Treasury of this Island. And in case the said Clerk shall neglect so to return such Account within *Fourteen Days* next after the End of every Trinity Term of said Supreme Court, yearly and every Year, he shall forfeit and pay the Sum of *Twenty Pounds* for each and every such Neglect; the same to be recovered by Bill, Plaint, or Information, in the said Supreme Court, and when recovered, to be paid to the Treasurer of this Island to and for the Use and Service thereof.

Clerk to certify Account, under Seal of Court, into Treasury.

Twenty Pounds Fine for every Neglect.

Mode of Recovery.

Application.

XII. *And be it further enacted*, That from and after the Time of appointing a Sheriff, and his entering on the Duties and Execution of his Office, as herein before by this Act directed, all the Power and Authorities which now are, or which heretofore have been, vested in the Office of Provost Marshal of this Island, either by Usage, Custom, or the Laws thereof, shall cease and determinate, to all Intents and Purposes, the same as if no such Officer had ever been appointed in this Government; any thing heretofore in any wise to the contrary notwithstanding.

After appointment of Sheriff, and his entering on the Duties of his Office, the Power and Authority of Provost Marshal to cease.

XIII. *And be it further enacted*, That no High Sheriff, appointed as aforesaid, shall exercise the Office of Justice of the Peace in this Island, during the time he shall exercise the duties of that Office: And all his Acts and Doings as a Justice of the Peace during the time he shall or may be in his said Office, shall be, and the same are declared to be, null and void: And for each and every Instance of such his Misconduct he shall forfeit and pay the Sum of *Twenty Pounds*, one Moiety

Sheriff, during time of exercising Office, not to act as Justice of Peace.

All Acts as a Justice of Peace shall be void, and he to forfeit Twenty Pounds.

whereof to the use of His Majesty's Government in this Island, and the other Moiety to him or them who shall or may sue for the same; the same to be sued for and recovered in any of His Majesty's Courts of Record which now are, or which hereafter shall or may be established in this Island.

Mode of Recovery, and Application of Fine.

XIV. *And be it further enacted*, That no Person shall be obliged to serve the said Office of High Sheriff for more than one Year at a time, nor to accept of the said Office in less than Seven Years after his having served the said Office as aforesaid.

No person obliged to serve Office of High Sheriff for more than one Year at a time, nor to accept the Office in less than 7 Years after having served.

XV. *And be it further enacted*, That the Monies arising by the Operation of this Act shall be accounted for unto His Majesty, in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Fines to be accounted for to His Majesty and Commissioners of the Treasury, and audited.

CAP. XVI.

An Act for granting the Sum of Three Hundred and Sixty-five Pounds Fifteen Shillings, and Ten Pence, for the Support of His Majesty's Government.

The Provisions of this Act have been executed.

Anno Vicesimo Septimo Regis Georgii III.

1786.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-first day of March, Anno Domini One Thousand, Seven Hundred and Eighty-five, and in the Twenty-fifth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Eighth day of November, One Thousand Seven Hundred and Eighty-six, and in the Twenty-seventh year of His said Majesty's Reign; being the Third Session of the Fourth General Assembly convened in the said Island.

W. PATTERSON, Lt. Governor.

P. CALLBECK, President of Council.

A. FLETCHER, Speaker.

CAP. I.

Disallowed by His Majesty in Council, the 8th of August 1789.

An ACT for setting aside and annulling, at the Request of the present Proprietors, the Sales, &c. of the herein after enumerated Lots, and Shares of Lots, of Land within this Island; and for repealing so much of an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, "*An Act to render good and valid in Law all and every of the Proceedings in the Years One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty-one, which in any respect related to or concerned the Suing Seizing, Condemning, or Selling of the Lots or Townships hereinafter mentioned or any of them, or any Part thereof,*" as relates to the said Lots or Townships, or Half Lots or Townships of Land.

Anno Vicesimo Octavo Regis Georgii III.

1788.

At the General Assembly of His Majesty's Island of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of January, Anno Domini One Thousand Seven Hundred and Eighty-eight, and in the Twenty-eighth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. being the First Session of the Fifth General Assembly, convened in the said Island.

EDMUND FANNING, Lt. Governor.

T. DESBRISAY, President of Council.

P. CALLBECK, Speaker.

CAP. I.

This Act is embodied in the 35th Geo. 3d, c. 3. See also Note on 14th Geo. 3d, c. 4.

An ACT in addition to two several Acts herein after in part recited, that is to say, an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, "*An Act to explain, amend, and render into one Act, all the Laws now in being for the purpose of making and repairing Highways in this Island;* also an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for altering, amending, and reducing into one Act, an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, "An Act to alter and amend so much of an Act, made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, An Act to explain, amend, and render into one Act, all the Laws now in being for the purpose of making and repairing Highways in this Island, as relates to the time appointed by said Act for performing Statute Labour; and some further Regulations as to the Payment and Duty of Overseers of the Highways.*"

Anno Tricesimo Regis Georgii III.

1790.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the First Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART President of Council.

ALEX. FLETCHER, Speaker.

CAP. I.

An ACT ascertaining the TOLL to be taken at the different GRIST-MILLS in this Province.

This Act made perpetual by 43d Geo. 3d, c. 1.

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That the Toll to be taken by any Grist-Miller within this Pro-

The Toll to be taken at the different Grist Mills in this Island, &c.

vince, in time coming for grinding Wheat, Rye, Barley, Oats, and Indian Corn, shall be one twelfth Part, and no more.

Penalty for taking more Toll than is allowed by this Act.

II. *And be it enacted,* That if any Miller shall demand, take, or receive any greater Toll than is herein directed to be taken, he shall forfeit and pay *Forty Shillings, toties quoties,* for every such Offence; one half of which Penalty shall be paid to the Person or Persons suing for the same, and the other half to the Poor of the Township, or Parish, wherein the Offence shall be committed, and that over and above the Value of the Grain, or Meal, which shall have been taken more than the Toll herein prescribed.

Application of Penalty.

The Grain brought first to the Mills, to be first ground, without preference.

III. *And be it enacted, by the Authority aforesaid,* That all Millers within this Province shall be obliged, and they are hereby required, in all time coming, to grind all Grain brought to their respective Mills regularly, so as that whoever brings Grain first shall be first served, without the said Millers, or any of them, giving preference to one man beyond another in point of time or Priority; under the Penalty of *Forty Shillings* for every Transgression.

Millers obliged to bolt Grain after being ground, if required thereto.

IV. *And be it further enacted, by the Authority aforesaid,* That every Grist Miller, who keeps, or may in time coming keep, a Bolting Mill, shall be obliged to bolt the Meal of all Wheat, Rye, or Buck-Wheat, ground at his Mill, when required; and that the Toll to be taken for the same shall not exceed one Pint of that Grain per Bushel, to be taken in addition to the former Toll.

Penalty.

V. And every Miller refusing to comply herewith shall be subject to and incur a Penalty of *Forty Shillings* for every Transgression.

Application of Penalty, and how and where to be recovered.

VI. *And be it further enacted,* That all Forfeitures and Penalties arising by Force and Virtue of this Act shall be, one Half to the Informer, and the other Half to the Use of the Poor of that Parish where the Offence shall be committed; and be recovered by Bill, Plaint, or Information, before any one or more of His Majesty's Justices of

the Peace for the Island, upon Proof of one or more credible Witness or Witnesses; and be levied, upon due Conviction, by Warrant of Distress and Sale of the Offender's Goods and Chattels, under the Hands and Seals of such Justice or Justices: And for want of sufficient Distress, the Offender to suffer Imprisonment for such time as the Justice or Justices before whom he may be prosecuted may, in his or their discretion, think just and adequate to his Offence; so as the said imprisonment shall not exceed *Thirty Days.*

VII. *And be it further enacted,* That each Miller shall be provided with Steel-yards, or Scales and Weights: That each Grist, at being brought into the Mill, shall be weighed, and an entire Weight be returned, except the Deduction for Toll allowed by this Act.

Each Miller to be provided with Steel-yards, or Scales and Weights.

VIII. *And be it further enacted,* That each Miller shall be provided with a Copy of this Act, within *Two Months* after the Publication thereof, or within *Three Months* after his Mill is erected; which Copy shall be put up in some conspicuous Part of his Mill, on Pain of forfeiting *Five Shillings* for each Offence.

Each Miller to be provided with Copy of this Act within Three Months after Mill is erected, &c.

IX. *And be it further enacted,* That this Act shall continue and be in Force for and during the Space of *Three Years,* and from thence to the end of the next Session of the General Assembly, and no longer.

Act to be in Force for the space of Three Years, &c.

CAP. II.

An Act to establish authenticated Copies of the Records of His Majesty's Council of this Province as Legal Evidence.

WHEREAS many Titles to Lands depend on Votes, and other Proceedings in His Majesty's Council, and become frequently necessary Evidence in Suits at Law: *And Whereas* Doubts may arise relative to the admissibility of such

Preamble.

Evidence; and as the producing the original Records in Court is attended with great Inconvenience: To remedy the same,

Copy of Proceedings of His Majesty's Council, relative to Titles of Lands, and properly attested, made legal Evidence.

Be it enacted, by his Excellency the Lieutenant Governor, Council and Assembly, That hereafter the Transcript or Copy of any Vote or Proceeding of His Majesty's Council, relating to the Grants or Titles of Lands, attested as a true and genuine Extract from the said Records, and signed by the Clerk of the Council, shall be deemed, admitted, and received as Legal Evidence in any Cause depending, or that may at any time hereafter be depending, in any of His Majesty's Courts within this Province. And the Clerk of the Council is hereby required and directed upon the application of any of the Parties to said Suits, or their Attorneys, to give an exact Copy or Extract of all such Resolutions or Proceedings of Council, relative to Lands, attested and signed by him; and that there shall be paid for the same, for every Search *One Shilling;* for every authenticated Copy *Six Shillings* (if under *One Hundred Words;*) and for every Hundred Words above the first Hundred, at the Rate of *One Shilling* for every Hundred Words.

Duty of the Clerk of the Council, on application, to give attested Copies of such Proceedings.

CAP. III.

Expired.

An Act for continuing an Act, made and passed in the Twenty-sixth Year of His Majesty's Reign, intituled, "*An Act to alter, amend, and reduce into one Act, an Act made passed in the Twenty-first Year of His present Majesty's Reign, intituled, An Act for raising a Fund to make and keep in repair the Streets and Wells of Charlotte-Town.*"

Preamble.

WHEREAS the above mentioned Act is near expiring;

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That the before mentioned Act be further continued, and that every Clause, Matter, and thing herein contained shall be in Force for and during the Space of Three Years, and from thence to the End of the then next Session of the General Assembly, and no longer.

Before mentioned Act continued for three Years, &c.

CAP. IV.

An Act for repealing so much of an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, "*An Act to amend, render more effectual and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests,*" as relates to the Attachment of the Goods, Chattels, or Estate of any Debtor or Debtors.

See 26th Geo. 3d, c. 10.

WHEREAS the aforesaid Act, so far as the same extends to the Attachment of the Goods, Chattels, or Estate of any Debtor or Debtors, has, in its Operation, been found, in many instances, injurious and oppressive to the Inhabitants of this Island:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, and by the authority of the same it is hereby enacted,* That from and after the Publication hereof, so much of the said Act intituled, "*An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests,*" as extends to the Attachment of the Goods, Chattels, or Estate of any Debtor or Debtors, be, and the same is hereby repealed.

Repealing Clause.

This Act not to affect Suits now depending under the repealed Act.

II. *Provided nevertheless,* That this Act shall not extend to affect any Suits now depending under the said Act, so as the same are prosecuted without delay.

Suspending Clause.

III. *Provided also,* That nothing in this Act contained shall have any Force or Effect until His Majesty's pleasure is known.

☞ This Act has been allowed by His Majesty, Dated June 22nd, 1796.

CAP. V.

An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and disbanded Troops as are in the Occupation thereof, by Virtue of Locations formerly made by the Governor and Council.

Preamble.

WHEREAS in the Year One Thousand Seven Hundred and Eighty-three, a Number of the Proprietors of Lands in this Island, or their Attornies for them, signed and delivered a Paper to the Right Honourable Lord North, at that time one of His Majesty's Principal Secretaries of State, of which the following is a Copy, viz.

WE the undersigned Proprietors of Lands in the Colony of Saint John, being informed that many of the Loyalists at New-York prefer a Settlement in that Island to one in Nova-Scotia; and being very desirous of encouraging such a preference, and of affording an Asylum to those deserving Fellow Subjects, do engage for ourselves, or as Attornies for others, to grant, as we hold of the Crown, and in the same Proportions to each Family as the other Loyal Emigrants receive in Nova-Scotia, one Fourth of the Quantity of Lands placed opposite to our Names, which they shall receive, upon their arrival at Charlotte-Town, by application to the Governor and Council. And that they may receive the said

Lands in the fairest and most impartial manner, we will direct that the whole be divided by the Surveyor General into Parcels, of not less than One Thousand Acres each, and drawn for by Ballot before the Governor and Council. In consideration of the preference expressed by those Loyal Emigrants, and of the conditions offered by us, we have the fullest confidence that your Lordship will give Instructions to the Commander in Chief of His Majesty's Forces at New-York, to furnish such Loyalists as prefer a Settlement in Saint John's, with Provisions and Transports to carry them to Charlotte-Town, and every other necessary, such as is given to those who go to Nova-Scotia. And that your Lordship will also give such Instructions to the Governor of Saint John's, as will place such Emigrants, in every respect, on a similar Footing with their Brethren who settle in Nova-Scotia. The undersigned are the more zealous in promoting this measure, as they are persuaded it will greatly advance the Prosperity of an infant Colony, which, from its natural and relative Situation, is peculiarly adapted to become a permanent and valuable Possession to Great Britain. And they confide in your Lordship's Wisdom and Equity, that you will obtain for them such an Abatement of Quit-Rent, as will place them on an Equality with their Neighbouring Colonies, and, by that means, remove a cause which may prevent many faithful Subjects to this Country, from emigrating to that Island from the American States, and which has hitherto obstructed the Settlement and Prosperity of this Colony.

(Signed)	Acres.
Edward Lewis,	20,000
John Townson,	10,000
John Stuart,	10,000
Richard Burke,	15,000
John Moteux,	20,000
Robert Macky,	20,000
Alexander Anderson,	20,000
John Patterson,	20,000

John Patterson, *Attorney for* Walter Patterson, 40,000
John Patterson, *Attorney for* Andrew Todd, 21,000
John Patterson, *for* Isaac Todd, 20,000
John Townson, *for* Charles Pearce, 10,000
Daniel Berreau, *for* Isaac Panchard, 20,000
Lawrence Sullivan, 80,000
Phillip Stephens, 20,000
Lord Townshend, *for Acres and gives two Thousand to a Loyalist who is to draw for it in the mode prescribed above,* 20,000
Lord Townshend, *for General* Honeywood, 10,000
Lord Townshend, *for the Lord Chief Baron* Montgomery, 60,000

Preamble

And Whereas, on receipt thereof, the Governor of said Island, by the Advice of His Majesty's Council, issued a Proclamation, thereby promising all Persons of the above Description, who should choose to become Settlers in the Island of *Saint John*, certain Proportions of the Lands so signed for, in the same manner as should be given to them in the neighbouring Provinces of *Quebec* and *Nova-Scotia:* In consequence whereof, a Number of those deserving Subjects did repair to this Island, and have had, by the Orders of the Governor and Council, Parts of the aforesaid Lands laid out and allotted to them, and have been put in Possession thereof, as also made considerable Improvements thereon, notwithstanding which, and that Years have elapsed since the said Proprietors covenanted and engaged with Government to make Conveyances of the said Proportions of Lands so allotted and laid out to the said Settlers, many of them have not yet fulfilled their said Engagement, whereby, and in consequence of which, Numbers of those who came to this Island returned to the Continent, many more have been deterred from coming, and those who remain are rendered unhappy, from the uncertainty under which they hold their Lands:

For Remedy whereof, and to promote the Settlement and Prosperity of this Colony:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the Authority of the same it is hereby enacted,* That from and after the Publication hereof, it shall and may be lawful to and for the Governor, Lieutenant Governor, or other Commander in Chief for the time being, to give Grants, under the Great Seal of this Island, of such Proportions of the aforementioned resigned Lands as are now in the Possession of such Loyalists and reduced Officers and Soldiers, by Virtue of and under the Authority of the Governor and Council of this Island, as have not received Deeds or Grants from the said Proprietors.

Governor, &c. empowered to give Grants, of certain Proportions of Lands now in the possession of Loyalists, reduced Officers and Soldiers, under Authority of the Governor and Council of this Island.

II. *Provided,* That nothing herein contained shall have any effect until His Majesty's Pleasure shall be known.

Suspending Clause.

This Act received His Majesty's Allowance, July 31, 1793.

CAP. VI.

An ACT for quieting the Minds of His Majesty's dissenting Protestant Subjects in the Island of Saint John.

WHEREAS a groundless Report has prevailed of an intention upon the part of Government to subject His Majesty's dissenting Protestant Subjects to the Payment of Tithes, and other Rates and Taxes, for the Support of the Established Church of England:

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That Protestants dissenting from the Church of England, whether they be Presbyterians, Quakers, or any other Denomination whatsoever, shall have free Liberty of Conscience; and may erect and build Meeting-Houses for Public Worship; and may choose and elect Ministers or Pastors for performing divine Service, and the Administration of Sacraments, according to their Opinions. And all Contracts made between such dissenting Ministers and their

Dissenters, &c. to have Liberty of Conscience, &c.

Congregations, for the support of the Ministry, are hereby declared valid, and shall have their full Force and Effect, according to the Tenor and Condition of such Contracts. And all such Dissenters shall be excused, and are hereby exempted and excused, from the Payment of any Rates or Taxes to be made and levied for the support of the Established Church of England in this Island.

and excused from the Payment of Rates, &c.

Suspending Clause.

II. *Provided*, That nothing herein contained shall be of any Force or Effect, until His Majesty's Pleasure is known.

This Act received His Majesty's Allowance, July 31, 1793.

CAP. VII.

An ACT to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their Proportion of the Public Charges for the making and repairing of the Highways, Roads and Bridges of the said Island.

Preamble.

WHEREAS many of the Lots or Townships of Land, or parts of Lots or Townships of Land, in this Island, are owned by Persons not residing or living therein, and have been greatly increased in Value by the Highways, Roads and Bridges which have at different times been erected and made at the Expense and by the Labour of His Majesty's Subjects, Inhabitants of this Island, without any aid or assistance whatever from the said Proprietors: *And whereas* many of the Inhabitants of this Island have long complained, and do still complain, of this Neglect on the part of the said Proprietors, as a Grievance that ought to be redressed, truly alleging that the said Proprietors are benefited by their Labour, and at

their Expense, without bearing any proportion of it among themselves: To remedy which in future.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the first day of *August,* One Thousand Seven Hundred and Ninety-one, it shall and may be lawful to and for any Three of His Majesty's Justices of the Peace (*Quorum unus*) in this Island, and they are hereby required and directed, in either of the Months of *June* or *July,* annually, to assess a certain Sum of Money to be charged on the said Lots or Townships of Land, or on the said Parts of Lots or Townships of Land, in this Island, as the true and equitable Proportion which the said Proprietor or Proprietors ought respectively to pay for the purpose herein before recited:

Any three Justices empowered to assess Lots of Land, &c. for the purposes herein recited.

II. *Provided always, and it is hereby further declared,* That the said Justices shall not be empowered to assess any Lot or Township of Land wherein a Number of Inhabitants (liable to Statute Labour) equal in Proportion to ten for every Township shall or may reside.

Proviso.

III, *And be it further enacted, by the authority aforesaid,* That immediately after the said Assessment shall have been so made, public Notice shall be given in Writing, by the said Justices, and posted up at Charlotte-Town, Princetown, and Georgetown, and at three or more other of the most frequented Places at or near the Place where the Land so assessed shall or may lie, expressing therein, that unless the said Assessment shall be paid by such Proprietor or Proprietors, or by some Person or Persons duly authorised thereto, into the Public Treasury of this Island, within *Six Months* next after the Date thereof, that then so much of the improved or other Parts of the Lands of the delinquent Proprietor or Proprietors shall be by such Justices leased out, as may produce a Rent sufficient to pay his, her, or their said Proportion or Assessment; and that, if the said Proportion or Assessment shall not be paid by such

Notice to be given, and posted up at Charlotte-Town, &c. warning Proprietors to pay their Assessments within Six Months, &c.

If the Assessments are not paid within that time, then Justices are to lease out such Lots of Land.

Proprietor or Proprietors, or by some Person or Persons duly authorised thereto, into the said Public Treasury, within the time limited for the same to be done in the said Notice, that then and in such case the said Three Justices are hereby empowered and directed to proceed to Lease out the said improved or other Parts of the Lands of such delinquent Proprietor or Proprietors, in manner as is herein before expressed in the said Notice.

If the Lands cannot be leased out advantageously, so as to produce Rent sufficient for the purpose aforesaid, then Justices are to notify a Sale of such Lands.

IV. *And be it further enacted, by the authority aforesaid,* That if the said improved or other Parts of the Lands of the said delinquent Proprietor or Proprietors cannot be leased out by the said Three Justices so advantageously, as in their judgment to produce the Rent sufficient for the purpose aforesaid, that then and in such case public Notice shall be by them immediately thereupon given, in Writing, and posted up in manner aforesaid, expressing therein, that unless the said Assessment or Proportion shall be paid by the said delinquent Proprietor or Proprietors, or by some Person or Persons duly authorised thereto, into the public Treasury of this Island, within *Six Months* next after the Date thereof, that then and in such case so much of the improved or other Parts of the Lands of the said delinquent Proprietor or Proprietors shall be sold, as shall or may produce Money sufficient to pay his, her, or their said Assessment or Proportion.

Precept to be awarded to Sheriff, directing him to take the Chattels of delinquent Proprietors, and to sell the same, &c.

V. *And be it further enacted, by the authority aforesaid,* That at the Expiration of the said *Six Months* Notice, it shall and may be lawful to and for the said Three Justices, and they are hereby directed and required, to award a Precept directed to the Sheriff, commanding him to take the Goods and Chattels of such delinquent Proprietor or Proprietors, wheresoever or in whosoever Hands the same may be found in this Island, and of the same to make public Sale; and the Produce of such Sale, in Money, to pay into the Hands of the said Three Justices; and if no Goods and Chattels of such delinquent Proprietor or Proprietors, can be by him found in his aforesaid Precinct, or if enough can on-

If Chattels cannot be found, then

ly be found to satisfy his, her, or their Assessment or Proportion in Part, that then he shall proceed to make Public Sale of so much of the Lands and Tenements of such delinquent Proprietor or Proprietors as shall or may produce Money sufficient to pay and discharge his, her, or their Assessment or Proportion, either in whole or in part, as the case may happen to be, together with the Costs and Charges attending the same; which Precept shall be tested by the said *Quorum unus* the Day on which the same shall or may be issued, and be made returnable to the said Three Justices within *Thirty Days* after such *Teste.*

to sell so much of the Lands of such Proprietors, as may be sufficient to pay off their respective Assessments.

VI. *And be it further enacted, by the authority aforesaid,* That immediately after the said Sale or Sales shall be so as aforesaid made and perfected, the said Sheriff is hereby authorised and directed to make and execute to the Purchaser or Purchasers of the Lands of such delinquent Proprietor or Proprietors, a Deed or Deeds thereof, thereby conveying to such Purchaser or Purchasers an absolute Estate of Inheritance, in *fee Simple.*

Sheriff, after Sale of Lands, to make Deeds of Conveyance to Purchasers.

VII. *And be it further enacted, by the authority aforesaid,* That all the Monies arising from the Sales of the Lands and Tenements of such Proprietors shall be paid by the said Justices into the Public Treasury of this Island, within *Ten Days* after they shall have received the same, and be afterwards applied towards making and repairing the High-Roads and Bridges within this Island.

Application of Money arising from the Sale of Lands, &c.

VIII. *Provided,* That nothing herein contained shall have any Force or Effect until His Majesty's Pleasure shall be known.

Suspending Clause.

☞ **This Act received His Majesty's Allowance, July 31, 1793.**

CAP. VIII.

An Act for taking Special Bail in the Country, upon Actions depending in His Majesty's Supreme Court of this Province.

Preamble.

FOR the greater ease and benefit of all Persons whatsoever, in making Oaths to their Debts, and in taking the Recognizances of Special Bails, upon all Actions and Suits depending, or to be depending, in His Majesty's Supreme Court of Judicature in this Province,

Chief Justice of Supreme Court empowered to appoint Commissioners to take Bail in the Country.

I. *Be it enacted, by his Excellency the Lieutenant Governor, Council and Assembly,* That the Chief Justice of His Majesty's said Supreme Court of Judicature for the time being shall or may, by one or more Commission or Commissions under the Seal of the said Court, from time to time as need shall require, empower such and so many Persons, other than common Attornies and Solicitors, as he shall think fit and necessary, in each of the Counties within this Province, to administer an Oath, in Writing, to any Person, where it shall or may be necessary to hold any Defendant to Bail upon any Writ or Process issuing out of the said Court, and to mark such Writ for Bail accordingly; and also to take and receive all and every such Recognizance or Recognizances of Bail or Bails as any Person or Persons shall be willing or desirous to acknowledge or make before any of the Persons so empowered in any Action or Suit depending, or hereafter to be depending, in the said Court, in such Manner and Form, and by such Recognizance or Bail Piece, as the said Justices have heretofore used to take the same: Which said Oath, in Writing, and the said Recognizance or Recognizances of Bail, or Bail Piece, so taken as aforesaid, shall be transmitted to the Chief Justice; who, upon Affidavit made of the due taking of the Recognizance of such Bail, or Bail Piece, by some credible Person present at the taking thereof, shall receive the same, upon Payment of a Fee of *Two*

And also to receive the Bail Piece, &c. upon Affidavit made of due Execution.

His Fee.

Shillings; and no more: Which said Oath and Recognizance of Bail, or Bail Piece, so taken and transmitted, shall be of the like Effect as if the same were taken *de bene esse* before any of the Justices of the said Court: And for the administering of every such Oath, and marking such Writ as aforesaid, the said Commissioners shall receive the sum of *Two Shillings*, and no more: And for the taking every such Recognizance or Recognizances of Bail, or Bail Piece, the said Commissioners shall receive only the Sum or Fee of *Three Shillings*, and no more.

Bail below to have the same effect as if taken de bene esse.

II. *And be it further enacted*, That the Chief Justice shall make such Rules and Orders for the justifying of such Bails, and making of the same absolute, as to him shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in Person in the said Court to justify himself or themselves; but the same may be, and is or are hereby directed to be, determined by Affidavit or Affidavits duly taken before the said Commissioners, who are hereby empowered and required to take the same, and also to examine the Sureties, upon Oath, touching the Value of their respective Estates, unless the Cognizor or Cognizors of such Bail do live within the Town of *Charlotte-Town*, or within fifteen Miles thereof.

Also empowered to make Rules for the justifying of Bail.

III. *And be it further enacted*, That any Person or Persons who shall, before any Person or Persons empowered by Virtue of this Act as aforesaid to take Bail or Bails, represent or personate any other Person or Persons, whereby the Person or Persons so represented or personated may be liable or subjected to the Payment of any Sum or Sums of Money for Debt or Damages to be recovered in the same Suit or Actions wherein such Person or Persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, deemed, and taken to be Felons, and shall be sentenced to suffer the Pains of Death, and incur such Forfeitures and Penalties as Felons in other cases thereof

Felony to personate Bail.

duly convicted or attainted do by the Laws of *England* lose and forfeit.

CAP. IX.

Repealed by 3d Will. 4th, c. 27.

An Act to prevent the malicious Killing, Wounding, or Maiming of Cattle.

CAP. X.

Repealed by 6th Geo. 4th, c. 5.

An Act to prevent unnecessary Expense and Delays in certain Actions wherein Judgments have passed by Default.

Anno Tricesimo Primo Regis Georgii III.

1790.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation unto the Tenth day of November, One Thousand Seven Hundred and Ninety, and in the Thirty-first year of His said Majesty's Reign; being the Second Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART President of Council.

JOSEPH ROBINSON Speaker.

CAP. I.

An Act for admitting Persons to swear to their own Accounts in certain cases, and for amending certain practical Parts of the Law, in order to the more easy and speedy Attainment of Public Justice in this Island.

[Preamble.

WHEREAS there is no Law in this Island permitting Persons to swear to their own Accounts; by means whereof it frequently happens that People are defeated in the Recovery of what is justly due and owing them, for want of Proofs, other than their own Oaths, to support the various Articles of their respective Accounts. For Remedy whereof in future,

Persons commencing Actions on Book Accounts, and filing them pursuant to 26th of Geo. 3d, may be admitted to swear to them; and the same being certified by the Clerk in open Court, on the Trial, may be delivered to the Jury when they retire to consider of their Verdict.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly, and by the authority of the same it is hereby enacted,* That from and after the Publication hereof, all Persons who shall or may commence Actions in the Supreme Court of Judicature of this Island, on Book Accounts, or who shall duly file their Accounts against those of the Plaintiff, with the Clerk of the said Court, pursuant to an Act of the General Assembly of the said Island, made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled "*An Act to prevent the Multiplicity of Law Suits,*" shall be admitted by the said Court to swear to the Truth of their said Accounts respectively; and the same (being certified by the Clerk, in open Court, on the Trial, to have been regularly sworn) may thereupon be delivered to the Jury when they retire to consider of their Verdict.

Proviso.

Such Oath to extend only to the Delivery of the Articles charged in the Plaintiff's

II. *Provided nevertheless, and be it further enacted, by the authority aforesaid,* That the Oath of the Parties so as aforesaid filing their respective Accounts shall extend only to the Delivery of the several Articles therein contained; but shall not extend, nor be construed to extend, to the establishing

or fixing the Prices charged or carried out against such Articles, nor to any Contract or Agreement between the Parties relative thereto; and which Oath, so as aforesaid to be certified by the said Clerk, being subscribed by the Party, shall be in the Words, or to the Effect following, that is to say,

Account; but not to establish the prices carried out against such Articles, nor to any Contract relative thereto.

Oath to be subscribed by the Party.

"I A. B. do make Oath and say, that the several Articles in the above Account charged, were "really and truly delivered unto the said C. D. at "the times therein mentioned, or unto some Person "or Persons, being authorised to receive and take "delivery of the same. So help me God."

Form of Oath.

III. *And provided also*, That no Person or Persons whatsoever filing his, her, or their Account as aforesaid, shall be admitted to depose to the Truth of the Articles therein charged, unless the Year of our Lord, and the Day of the Month of that Year, wherein or whereon the same Articles shall or may have been delivered, shall be expressed or set down in such Account: Nor shall he, she, or they be admitted to swear or depose as aforesaid to any Article or Articles charged in such Account, if more than two whole Years shall have elapsed from the time of such Charge, to the Day when Process at Law shall have issued or been sued out for the Recovery of such Article or Articles: Nor shall any Person or Persons whatsoever be admitted to swear or depose as aforesaid, if it shall be provided by the Affidavit of the adverse Party, that he, she, or they, so filing their Accounts, at the Time such article shall appear to have been charged, had a Clerk retained in his, her, or their Service professedly for the purpose of keeping his, her, or their Accounts: Nor unless the Party charged with a Balance in such Account shall have been, Ten Days at least before the issuing of such Writ or Process, served with a true Copy of such Account.

Proviso.

The Year, and the Day of the Year, wherein such Articles may be delivered, to be expressed in the Account.

The Party not admitted to swear, if more than two Years have elapsed from the time of the charge, to the issuing of Process:

Nor if it be proved by Affidavit of the adverse Party, that the Party filing the Account had, at the time of the Articles charged therein, a Clerk actually retained in his Service. Nor unless the Party charged with a Balance shall have been, ten Days before issuing of Process, served with a Copy of such Account.

IV. *And be it further enacted, by the authority aforesaid*, That in all cases where any Defendant or Defendants shall have been duly served with a Copy of any unbailable Writ or Process, he, she, or

Party served with unbailable Process to file common Bail on or before the Return Day:

On Failure, the Plaintiff, on Affidavit of Service of such Process, may file it for him, at any time after the Return Day thereof:

they shall file common Bail in such Suit on or before the Return Day thereof; and in Failure of his, her, or their filing such common Bail, it shall and may be lawful to and for the said Plaintiff or Plaintiffs in such Suit, upon Affidavit being duly made and filed in the said Supreme Court of the personal Service of such Writ or Process, to file common Bail for such Defendant or Defendants therein, at any time from and after the said Return Day of such Writ or Process: And thereupon the Plaintiff or Plaintiffs in such Suit may file his, her, or their Declaration with the Clerk of the Court wherein such Writ or Process shall or may be returnable, and give a Rule for such Defendant or Defendants to plead thereto, within two Days from the Day of filing such Declaration.

Which being perfected, the Plaintiff may file his Declaration.

and give a two Day Rule for the Defendant to plead in.

Proviso.

V. *Provided nevertheless, and it is hereby enacted, by the authority aforesaid,* That if the Defendant or Defendants in such Suit shall, in Term time, suggest to the Court, by Motion, to be duly entered with the Clerk, that it is necessary to the Defence of him, her, or them in such Action, to plead one or more special Plea or Pleas therein (being such Pleas as are allowable by Law, and tending to bring in Issue, the real Matter of Right between the Parties;) that then and in such case it shall and may be lawful for the said Court to give such further time for such Defendant or Defendants to plead such special Plea or Pleas in, as to them may appear reasonable and just under the particular circumstances of the case, appearing on an Affidavit duly filed for that purpose.

If Defendant suggest to the Court, by Motion duly entered, a necessity of pleading one or more special Plea or Pleas, &c.

the Court may enlarge the Rule, on the Matter appearing to them reasonable, by Affidavit.

Proviso.

VI. *And provided also,* That in the Vacation Time of said Court the Plaintiff or Plaintiffs in such Suit shall be held to give a Four Day Rule for the Defendant or Defendants therein to plead, according to the former Practice of the said Court, if the same shall be done within Ten Days next before the respective Terms thereof, and not after.

In Vacation Time, the Plaintiff shall be held to give a Four Day Rule, if it be done Ten Days before the commencement of the Term.

This Clause repealed by 6th Geo. 4th, c. 4.

VII. *And be it further enacted, by the authority aforesaid,* That on all Issues to be in future tried in said Court, the Party against whom the Verdict may

pass shall be allowed two Days only to move for a new Trial in such Cause; the same to be computed from the Day in which such Verdict shall have been given; and the Merits of the Motion to be argued and decided the same Term, if the Party in favour of whom the said Verdict shall have passed shall move the Court therefor: Nor shall the Argument of any Motion in Arrest of Judgment, made after a Motion for a new Trial, or otherwise, be deferred or postponed to any subsequent Term of said Court, if the Party in favour of whom such Verdict may pass shall move to have the Merits of such Motion in Arrest of Judgment argued and decided the same Term in which the same shall have been made.

CAP. II.

An Act for the more speedy Assignment and Recovery of Dower.

Preamble.

WHEREAS certain Provisions and Directions in the Law are become necessary for the more speedy and less expensive Remedy in the Recovery of Dower, by such Persons as are by Law dowable of Houses, Lands, Tenements, and Hereditaments in this Island:

Where persons having the Freehold in Houses, &c. neglect to set out to the Widow of the deceased her Dower therein within two Months after the Demand,

1. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted,* That in all Cases where any Person or Persons whatsoever having the Freehold of any Houses, Lands, Tenements and Hereditaments within this Island, shall neglect to assign and set out to the Widow of the deceased her just or full third Part of such Houses, Lands, Tenements and Hereditaments, within two Months next after the demand shall have been made by her of the Person or Persons so having the Freehold thereof, it shall and may be lawful to and for such Widow to sue for and recover her said Dower, by Writ of *Unde Nihil habet,* against such Person or Persons as hath or have the Freehold of such

such Widow may have Writ of Unde Nihil habet, for the Recovery thereof.

Houses, Lands, Tenements and Hereditaments, in the Form following; that is to say,

"George the Third, by the Grace of God, of "Great Britain, France, and Ireland King, De-"fender of the Faith, and so forth.

Form of Writ.

"To the Sheriff (or Provost Marshal, as the "case may be,) of our Island of Saint John, "greeting.

"Command A. B. of &c. that justly and without "delay render unto C. D. the Wife of E. F. "late of &c. deceased, her reasonable Dower "which happens to her of a certain House, &c. "(as the Case may be) with the Appurtenances, "situate in &c. in the possession of the said A. B. "and which was in the Seizin and Possession "of her said Husband, and whereof he was seized "in his Demesne as of Fee, during the Coverture, "and whereof she hath Nothing (as she saith,) "and the said C. D. complains that the said A. B. "hath deforced her thereof. And unless the said "A. B. shall so do, then summon the said A. B. "that be before the Justices of our Supreme "Court of Judicature, to be holden at Charlotte-"Town, upon the Tuesday in then and "there to shew Cause, why to the said C. D. her "reasonable Dower as aforesaid doth not render. "And have you then there this Writ. Witness, "&c. at our Supreme Court of Judicature, the " Day of in the Year of our "Reign, Annoque Domini

L. M. Clerk.

If the Defendant does not appear on the return Day of the Writ the Plaintiff may file common Bail for him;

II. *And be it further enacted, by the Authority aforesaid,* That if the Defendant does not appear on the Return Day of said Writ, it shall and may be lawful for the Plaintiff in the Action (the said Sheriff having duly returned the said Writ, with his doings thereon,) thereafter to enter common Appearance for the said Defendant, and to proceed thereon as if the said Defendant had actually entered his or her Appearance; any Law or Usage to the contrary notwithstanding. And common Bail being duly filed and entered, either by

which being per-

the Plaintiff or Defendant in the said Suit (as the case may be,) the Plaintiff therein may thereupon file his Declaration in the Clerk's Office of the said Supreme Court of Judicature, as in other cases.

fected, he may file his Declaration, as in other cases.

III. *And be it further enacted, by the authority aforesaid*, That in case the Defendant in such Suit do plead to the Declaration therein, and Judgment be thereupon rendered for the Plaintiff to recover her Dower in such Houses, Lands, Tenements or Hereditaments (whereof her Husband had been seized during the Coverture;) in that case, as also in the case where Judgment shall have been signed for want of a Plea, reasonable Damages shall be assigned to her from the time her Demand of Dower shall be proved to have been made of the Person or Persons so having the Freehold of such dowable Estate: And thereupon it shall and may be lawful to and for the Plaintiff in such suit to sue out His Majesty's Writ of Seizin, directed to the Sheriff of the said Island, in Manner following, that is to say,

If Plaintiff obtains Judgment, either on the point tried, or by Default, to recover her Dower, reasonable Damages shall be assigned her from the time of its being demanded.

And she may have her Writ of Seizin for the same.

"George the Third, by the Grace of God, of "Great Britain, France, and Ireland King, De-"fender of the Faith, &c.

Form of the Writ.

"To the Sheriff, (or Provost Marshal, as the "case may be) of our Island of Saint John, greet-"ing.

"WHEREAS C. D. Widow, who was the "Wife of E. F. late of in the Island of Saint "John, deceased, before our Justices of our Su-"preme Court of Judicature, holden at Charlotte-"Town, on the day of now last past, did "recover her Seizin against A. B. of &c. of one "third part of &c. with the Appurtenances, situ-"ate, &c. in the Possession of the said A. B. as of "her Dower of the Endowment of the said E. F. "her Husband, by our Writ of Dower, whereof "she hath Nothing. Therefore we command "you, that to the said C. D. full Seizin of one "third Part of the aforesaid, &c. with the Appur-"tenances, you cause to be had without delay

"We command you also, that of the Goods and "Chattels of the said A. B. within your Precinct, "you cause to be paid and satisfied unto the said "C. D. at the Value thereof in Money, the Sum "of &c. for Damages awarded her by our said "Court, for her being held and kept out of her "Dower aforesaid, and Costs expended on the "Suit, with more for this Writ; and thereof "also to satisfy yourself your own Fees. And for "want of Goods and Chattels of the said A. B. to "be by him shewn unto you or found within your "Precinct, to satisfy the same, we command you "to take his Body, and commit him to the Keep-"er of our Gaol in in our County aforesaid, "within the said Prison; whom we likewise com-"mand to receive the said A. B. and him safely "keep, until he pay unto the said C. D. the full "Sum abovementioned, and also satisfy your Fees. "Hereof fail not, and make return of this Writ, "and how you have executed the same, to our "said Supreme Court of Judicature, next to be "holden at on the day of next. Wit-"ness Esquire, at our said Court, the "day of in the Year of our Reign, An-"noque Domini A. D. Clerk."

Proviso.

Where no Damages shall be assessed, the Writ to run only for Seizin, &c. with Costs.

IV. *Provided nevertheless, and it is hereby further enacted, by the authority aforesaid,* That in all Cases where no Damages shall be awarded to the Plaintiff in such Suit for or by reason of her being held or kept out of her said Dower, the said Writ of Seizin shall run only for the Recovery of the Seizin and Possession of the third Part of the said dowable Estate, and Costs of Suit,

Sheriff, on receipt of Writ off Seizin, to appoint five Persons; who are to repair to the Premises and (being previously sworn) to set off to the Plaintiff, by Metes and Bounds.

V. *And be it further enacted, by the authority aforesaid,* That the Sheriff to whom such Writ of Seizin shall or may be directed, is hereby authorised and required, on Receipt thereof, to nominate and appoint five discreet Persons (being Freeholders living or inhabiting near unto the place where such Houses, Lands, Tenements and Hereditaments shall be,) who shall thereupon repair to the said Premises to set off unto the Plain-

tiff in such Suit by Metes and Bounds (being previously sworn before a Justice of the Peace faithfully and impartially to do the same, and which Oath the said Justice is hereby authorised and required to administer,) one third Part of all such Dowable Estate; and the same being duly returned by the Sheriff, the Court wherein the said Judgment shall have been given, shall thereupon give final Judgment for such Plaintiff to hold unto her the said third Part of the said allotted Premises, in Severalty.

one third Part of such Dowable Estate; And the same being duly returned by the Sheriff, the Court may give final Judgment.

VI. *And be it further enacted, by the authority aforesaid,* That of Inheritances which shall or may appear to be entire, and whereof no Division can by Law be made, in such manner as to enable Women to be endowed of their due proportion of the Thing itself whereof Dower may be demanded, such Women may, in Lieu of one third Part of such dowable Inheritance, by Metes and Bounds, be endowed of one third Part of the Rents, Issues, or Profits thereof, the same to be computed and ascertained by the said five persons herein before directed to be nominated and appointed by the Sheriff for the purpose aforesaid: And all Persons endowed as aforesaid of any such Houses, Lands, Tenements and Hereditaments, in this Island, and who shall commit or suffer any Strip or Waste thereupon, are hereby made liable to such Action or Actions therefor as Tenants in Dower are by Law liable to in that part of Great Britain called England.

Of Inheritances not entire, Plaintiff may be endowed of one third part of the Rents, &c.

by the beforementioned five Persons.

Endowed Persons made liable to such Remedy for Waste, as may be had for the same in that part of Great Britain, called England.

CAP. III.

An ACT for providing Pounds in the several Royalties in this Province.

This Act suspended for five Years, by 11th Geo. 4th, c. 11.

WHEREAS there never have been any common Pounds erected in this Government, whereby the Sheriffs and other Officers employed in distraining Goods and Chattels, as well as the Parties from whom and for whose Behoof Goods

Preamble.

have been distrained, as also Persons who have taken up trespassing Cattle, have been subjected to Losses aud Inconveniences: To remedy which in time coming,

Governor empowered by advice of Council, to erect common Pounds in the respective Royalties of Charlotte-Town, Princetown, and Georgetown.

I. *Be it enacted, by His Excellency the Lieutenant Governor, Council and Assembly,* That His Excellency the Lieutenant Governor may, and he is hereby empowered, by and with the Advice of His Majesty's Council, to erect a common Pound within each of the Royalties of Charlotte-Town, Princetown, and Georgetown, in such place or part thereof, and of such Extent and Dimensions as he shall judge necessary.

Justices at their general or special Sessions empowered to appoint Pound-Keepers, and to make Rules for the Management of such Pounds;

also to set a Fine, not exceeding 40s. for Violation of their Rules; the same to be levied by Distress and Sale of the Offender's Goods and Chattels. And for want thereof, he shall be committed for the space of ten Days.

II. *And be it further enacted,* That the Justices of the Peace may, and they are hereby empowered in their General Sessions of the Peace, or at a Special Sessions to be called by the direction of the Lieutenant Governor for that purpose, to nominate and appoint a Pound-Keeper for each of the said Towns; and to make such Rules and Regulations for the better Ordering and Management of the said Pounds as they shall judge proper, not being repugnant to the Laws of Great Britain or of this Province; and to set and impose a Fine, not exceeding the sum of Forty Shillings for each and every Offence against the said Rules and Regulations, or any of them; and upon due Conviction of the Offender, to levy the Fine by Warrant of Distress and Sale of the Offender's Goods; and for Want of Goods and Chattels, such Offender or Offenders shall be committed, and the said Justices are hereby empowered to commit him, her, or them to Gaol for a space of time not exceeding ten Days.

Application of Fines and Forfeitures.

III. *And be it further enacted, by the authority aforesaid,* That all Fines and Forfeitures to be recovered in pursuance of this Act shall, at the Sight of the said Justices, be applied to keeping the said Pounds in Repair; and if there shall be any Overplus, the same shall be applied for the Use of the Poor of the said Towns wherein such Pounds may be erected.

CAP. IV.

An ACT to prevent the unnecessary Firing off Guns, and other Fire-Arms, in the Town and Suburbs of Charlotte-Town.

BE *it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That if any Person or Persons, of what Age or Degree soever, from and after the present Session of the General Assembly, shall unnecessarily fire off any Gun, Fusee, Musket, Pistol, or other Fire-Arms, in any of the Houses, Streets, Lanes, Wharves, Yards, or Gardens, in the Town or Suburbs of Charlotte-Town; every Person so offending, upon Conviction thereof upon the Oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace, shall forfeit the Sum of Ten Shillings, to be levied by Warrant of Distress, under the Hand and Seal of such Justice, on the Offender's Goods and Chattels: and for want of Goods and Chattels, such Offender shall be, and the said Justice of the Peace before whom he may be convicted, is hereby empowered and required to commit him to Gaol for the Space of Forty-eight Hours.

Persons convicted of firing Guns, &c.

before one Justice of the Peace, shall forfeit 10s. to be levied on the Offender's Goods; and for Want thereof, to be imprisoned Forty-eight Hours.

II. *And it is hereby enacted, by the authority aforesaid,* That no Prosecution shall be admitted for any Offence against this Act unless Complaint be made thereof within Twenty-four Hours after the Offence is committed: And that all Forfeitures arising by Virtue of this Act shall be, one half to the Person who shall prosecute for the same, and the other Half to the Use of His Majesty's Government.

Complaint to be made within twenty-four Hours after Offence committed.

Application of Forfeitures.

CAP. V.

An Act for regulating the Fees of Magistrates and Constables in certain Cases, and for amending an Act made and passed in the Sixteenth Year of His Majesty's Reign, intituled *An Act in Addition to and Amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled "An Act for the more easy and speedy Recovery of small Debts."*

Preamble.

WHEREAS there is no Law for regulating the Fees of Magistrates and Constables, for issuing and serving criminal Process,

Justices of the Peace granting Warrants for the Apprehension of Offenders,

entitled to receive 1s. 6d. of the Complainant.

The Constable to be allowed 1s. and travelling Fees.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the present Session of the General Assembly, it shall and may be lawful for any of His Majesty's Justices of the Peace who shall or may grant any Warrant for the apprehending any Person or Persons against whom Complaint shall or may be made of any Offence (except Capital Offences) for which a Warrant shall be necessary to be granted, shall take and receive the Sum of One Shilling and Sixpence, to be paid by the Persons complaining. And the said Constable shall take, for executing every such Warrant, the Sum of One Shilling, together with travelling Charges the same as is allowed for the Service of Executions.

This Clause repealed by 2d Will. 4th, c. 1. s. 1.

II. *And whereas* in and by the above recited Act the Justices of the Peace are required to deliver the Summonses issued by them, to be served by the complaining Party, or Creditor, upon the Debtor or Debtors: And whereas the said Practice has been found very inconvenient: To remedy which in time coming,

Be it enacted by the authority aforesaid, That upon the issuing of any Summons by any Justice of the Peace, the same shall be delivered to and

served by any of the Constables, who shall take and receive therefor the Sum of One Shilling, and the same travelling Charges as are allowed by the said Act on the serving of Executions.

CAP. VI.

An Act to prevent the running at large of Rams at improper Seasons.

Amended by 43d Geo. 3d, c. 5, and 8th Geo. 4th, c. 2. Suspended for Three Years by 1st Will. 4th, c. 10.

Preamble.

WHEREAS the Custom which has hitherto prevailed in this Island of permitting Rams to go at large at all Seasons of the Year has been extremely prejudicial to the Breeding and Raising of Sheep (for which the Climate and Soil of this Island is particularly favourable:)

Persons permitted to take up Rams found at large, between 15th July and 20th Day of November, in each Year; and, on giving Notice to Owner, may receive 5s. for every Ram so taken up. The same to be recovered by Complaint made to one Justice of the Peace.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, it shall and may be lawful for any Person or Persons whatsoever to take up any Ram or Rams which may be found running at large between the Fifteenth day of July and the Twentieth day of November in every Year; And the Person or Persons who shall or may take up such Ram or Rams shall, on giving Notice thereof to the Owner or Owners, be entitled to the Sum of Five Shillings for every Ram so taken up; the same to be recovered of such Owner or Owners, by Complaint duly entered and made before any one of His Majesty's Justices of the Peace.

If Owner is unknown, such Ram to be described by Advertisements posted up in certain Places.

II. *And be it further enacted, by the authority aforesaid,* That if the Person or Persons so taking up said Rams shall happen not to know who the Owner or Owners thereof is or are, in order to give him, her, or them the aforesaid Notice; then it shall and may be lawful to and for such Person or Persons (who is or are hereby required so to do) immediately to describe such Ram or Rams, by an Advertisement, to be posted up at one or more of the most public Places in the

Neighbourhood where the same shall have been so taken up: and if the said Ram or Rams shall not have been claimed by the Owner or Owners thereof, within four Days from the Date of such Advertisement, the same may be publicly sold in Virtue of an Order first had and obtained of the said Justice for that Purpose; and which said Justice is hereby authorised and required, on Application to him made by the Person or Persons so taking up such Ram or Rams, to grant and make such Order accordingly: And one Moiety of the Produce of the Sale of such Ram or Rams shall thereupon be paid by such Justice unto the Person or Persons who shall have taken up the same; and he shall cause the other Moiety thereof to be paid into the Public Treasury of the Island to and for the benefit of the Poor.

If not claimed in due time, to be sold under the authority of a Justice of Peace.

Application of the produce of Sale.

CAP. VII.

An Act for compelling Persons owning Lands adjoining to each other to make their respective Parts or Proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers.

Amended by 10th Geo. 4th, c. 5.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That the Proprietor of any Field or Lands adjoining to the Fields or Lands of others, inclosed or improved, in this Island, shall be obliged to erect and make his or her Part or Proportion of Fencing, and to maintain the same when so erected or made, with a good and sufficient Fence of four Feet and a Half high, on that Part of such Land as is adjoining to his or her own; and in case the delinquent Party shall neglect so to do within one Month after Notice shall have been given him, her, or them, of such Neglect, it shall and may be lawful to and for any one of the Fence Viewers, to be appointed as

Owners of Land adjoining to each other obliged to make and maintain their respective Proportions of Fencing.

Duty and Power of Fence Viewers.

herein after is directed, and the said Fence Viewer next or near unto the said improved Fields or Lands is hereby required to view the Ground so proposed to be Fenced, or the said Fence wanting repair, and grant a Certificate of the same to the complaining Party, who is hereby empowered forthwith to cause such deficient Fence to be erected or made, or otherwise to repair any Fence already made, if the same shall appear by such Certificate to be insufficient; and the Person or Persons who of right ought to erect and maintain such Fence, shall be held to pay double the Expenses, Costs, and Charges, expended for the doing thereof to be ascertained by the said Fence Viewers.

Delinquent Party to pay double Expenses, &c.

II. *Provided nevertheless, and it is hereby further enacted,* That no Fence Viewer shall be allowed more than Three Shillings for each Day in which he shall have been employed, for his own Trouble and Time expended therein: And if any Fence Viewer shall neglect his Duty herein, when duly notified, he shall forfeit Twenty Shillings for each and every such Offence.

Proviso.

III. *And be it further enacted, by the authority aforesaid,* That the Penalty inflicted by this Act in favour of the complaining Party shall and may be recovered by complaint made by him, her, or them, to any Justice of the Peace, in the ordinary course of Law: And as to the Penalty hereby inflicted on the delinquent Fence Viewer, the same shall and may, in the same ordinary course of Law, before some Justice, be recovered and applied to and for the Support and Maintenance of the Poor in this Island.

Penalties, how to be recovered and applied.

IV. *Provided always,* That when it shall happen that the Land shall be wood or burnt Land, and not under any Improvement, no Proprietor shall be obliged to make any Part of the Fence to the said wood or burnt Land; any thing herein contained to the contrary notwithstanding.

Proviso.

V. *And be it further enacted,* That the Grand Jury, at the Supreme Court of Judicature, at the

Fence Viewers, how to be appointed.

Hilary Term thereof in every Year, shall nominate double the Number of Fence Viewers which they shall think necessary to be appointed in the several Towns and Settlements in this Island; out of which the said Court shall strike out one Half; and the remaining Number shall be Fence Viewers in the several Settlements in this Island.

CAP. VIII.

Executed.

An Act for emitting certain Bills or Debentures of Public Credit, within this Island.

Anno Tricesimo Tertio Regis Georgii III.

1792.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Sixth day of November One Thousand Seven Hundred and Ninety-two, and in the Thirty-third year of His said Majesty's Reign, being the Third Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President of Council.

JOSEPH ROBINSON, Speaker.

CAP. I.

An Act relating to Treasons and Felonies.

Compassing or imagining the King's Death, levying War against Him, &c. declared High Treason.

BE *it enacted, by his Excellency the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That if any Person or Persons shall compass or imagine the Death of the King, or shall levy War against Him, or adhere to His Enemies, or shall give them Aid or Comfort, or shall forge or counterfeit the King's Money, being Gold or Silver Coin of England, or of Great Britain, or shall counterfeit the King's Great Seal or Privy Seal, or the Seal of this Island, and shall thereof be duly convicted, the Person or Persons so offending are hereby declared, and shall be adjudged to be, Traitors, and shall suffer as in Cases of High Treason; and that all Treasons declared by the Acts of Parliament of England, or of Great Britain, shall be deemed and adjudged to be Treasons within His Majesty's Island, and none other; and that such Acts of Parliament as directed the Proceedings and Evidence against, and Trials of, such Traitors, shall have their full Force and Effect, and be observed as the Rule in all Trials for Treason in this Province.

All Treasons declared by Acts of the British Parliament, to be adjudged Treasons within this Island.

Murder and Maihem, Felony, without benefit of Clergy.

II. *And be it further enacted,* That if any Person, with Malice Prepense, shall kill, or procure any other Persons to kill, or shall on purpose and of Malice forethought, and by lying in wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose or Lip, or cut off or disable any Limb or Member of any Person, with intention to kill, or to maim or disfigure any such Person, the Person so offending, their Counsellors Aiders and Abettors, privy to the Offence, shall be Felons without benefit of Clergy. *Provided,* that no Attainder of such Felony shall work Corruption of Blood or Forfeiture of Dower, Land or Goods of the Offender.

Proviso.

III. *And be it further enacted*, That every Person who shall stab or thrust any Person that hath not then any Weapon drawn, or that hath not then first stricken the Party who shall so stab or thrust, so as the Persons so stabbed or thrust shall thereof die within the space of Six Months, although it cannot be proved that the same was done of Malice forethought, yet the Party so offending, and being thereof convicted, shall be excluded from the benefit of Clergy.

Stabbing or thrusting at a Person, not having a Weapon drawn, Felony without benefit of Clergy.

IV. *Provided*, That this Act shall not extend to any Person who shall kill any Person in his own Defence, or by Misfortune, or in any other manner than as aforesaid; nor shall extend to any Person who in keeping the Peace shall chance to commit Manslaughter, so as the said Manslaughter be not committed wittingly and of purpose, under Pretext and Colour of keeping the Peace; nor shall extend to any Person who, in chastising or correcting his Child or Servant, shall, besides his purpose, commit Manslaughter.

Proviso.

V. *And be it further enacted*, That if any Woman be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Laws of the Realm of England be a Bastard, and she endeavour privately, either by drowning or secretly burying thereof, or any other way, either by herself, or the procuring of others, so to conceal the Death thereof as that it may not come to light whether it was born alive or not, but be concealed, the Mother so offending shall suffer Death, as in the case of Murder, except such Mother can make Proof by one Witness, that the Child whose Death was by her so intended to be concealed was born dead.

Murder of Bastard Children, Felony, without Clergy.

VI. *And be it further enacted*, That the detestable Sin of Buggery, committed with Mankind or Beast, shall be adjudged Felony, and such Process therein be used as in Cases of Felony at Common Law; and the Offender or Offenders being convicted by Verdict, Confession, or Outlawry, shall suffer the Pains of Death, and loss of their Goods, Lands and Tenements, as Felons, and no Person guilty of

Buggery made Felony without Clergy.

such Offence shall be admitted to his Clergy: and Justices of the Peace shall have power to inquire of the said Offence as in other Felonies: And if any Person or Persons shall make an Assault with an Intent to commit the Sin of Buggery, such Offender or Offenders shall, on due conviction thereof, be adjudged to stand in the Pillory; and may, for further Punishment, be fined, imprisoned, or be bound in Sureties for his or their good behaviour, at the discretion of the Court.

Assault, with intent to commit Buggery, Pillory, &c.

VII. *And be it further enacted,* That if any Person or Persons shall, by Force, and against the consent of any Woman, or Infant above the Age of Ten Years, have carnal Knowledge of her Body, every such Offender or Offenders shall, on due Conviction of such Ravishment, suffer as Felons, without benefit of Clergy. *Provided always,* That if Complaint shall not be made of a Ravishment within Ten Days afterwards, before One of His Majesty's Justices of the Peace, or other Magistrate, that then such Fact shall be adjudged to have been committed by and with the consent of such Woman or Infant.

Rape, Felony without Clergy.

Complaint to be made in 10 days.

VIII. *And be it further enacted,* That if any Person shall unlawfully have carnal knowledge of any Female Child under the Age of Ten Years, though with her consent, every such unlawful and carnal knowledge shall be Felony, and the Offender, being thereof duly convicted, shall suffer as a Felon, without benefit of Clergy: And every violent Assault and Battery committed on the Body of such Woman or Infant, with Intent to ravish, shall be punished, by adjudging the Offender or Offenders, upon due conviction thereof, to stand in the Pillory, and the Judge or Judges of the Court, wherein he shall be so convicted, may, for further Punishment, fine and imprison and require Sureties for the good behaviour, at his or their discretion.

Rape on Infants, Felony without Clergy.

Assault, with intent to ravish, Pillory, &c.

IX. *And be it further enacted,* That if any Person or Persons shall, by Night, break open and enter any Dwelling-House, Shop, or Warehouse, or any Vessel lying so near the Land that it be adjudged within the County, with an Intent to commit any

What shall be deemed Burglary.

Felony, whether such Felonious intent be executed or not:

X. Or shall rob any Dwelling-House in the day-time, any person being therein; or break any Dwelling-House, Shop, or Warehouse thereunto belonging, or therewith used in the day-time, and feloniously take away any Money or Goods of the Value of Five Shillings therein being, although no person shall be within such Dwelling-House, Shop, or Warehouse; or shall rob any other, or feloniously take away any Goods in any Dwelling-House, the Owner or any other person being therein, and put in fear:

Robbery by Day: Or

XI. Or if any Person or Persons shall, by Night or by Day, rob, or by Violence, take Money or Goods from any Person, putting him in fear, in any Highways, or in any Streets or Lanes of a Town:

Robbery from the Person, in the Highways, &c. by Night or by Day, or

XII. Or shall feloniously take Money or Goods from the Person of any other, privily, without his knowledge:

Stealing privily:

XIII. Each and every of the Offenders aforesaid, their Aiders and Abettors, shall, upon due Conviction, suffer as Felons, without benefit of Clergy.

Such Offenders, &c. declared Felons.

XIV. *And be it further enacted*, That if any Person or Persons shall steal, or take by Robbery, any Bills of Exchange, Bonds, Warrants, Bills, or Promissory Notes for the Payment of Money, being the Property of any other Person, notwithstanding any of the said Particulars are termed in Law *a chose in action*, it shall be deemed Felony, of the same Nature, and with or without the benefit of Clergy, or of this Act, in the same manner as it would have been if the Offender had stolen or taken by Robbery any other Goods of the like Value with the Money due on such Bills of Exchange, Bonds, Warrants, Bills or Notes, or secured thereby, and remaining unsatisfied, and shall suffer such Punishment as if he, she, or they had stolen other Goods of the like Value.

Stealing Bills of Exchange, &c.

XV. *Provided*, That no Attainder for any such Offence, so made Felony, shall work any Corruption of Blood, Loss of Dower, or Disherison of Heirs.

Proviso.

Receivers of stolen Goods made Accessaries,

XVI. *And be it further enacted*, That if any Person or Persons shall buy or receive any Goods that shall be stolen, knowing the same to be stolen, he, she, or they shall be deemed Accessaries to the Felony after the Fact; and that it shall be lawful to prosecute and punish Persons buying or receiving stolen Goods, knowing the same to be stolen, or that shall be accessary to such Felony before or after the Fact, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as accessary if the Principal shall after be convicted.

and punishable as for Misdemeanors, &c.

Robbing of Lodgings,

XVII. *And be it further enacted*, That if any Person or Persons shall take away with an Intent to steal, embezzle, or purloin any Goods, Chattels, or Furniture, which by Agreement they are to use, or shall be let to them to use in his, her, or their Lodging, such taking, embezzling, or purloining, shall be adjudged to be Larceny and Felony.

Felony.

Servants embezzling Masters' Goods,

XVIII. *And be it further enacted*, That if any Servant or Servants shall go away with the Caskets, Jewels, Money, Goods or Chattels delivered to his, her, or their keeping, by his, her, or their Master or Mistress, with intent to steal the same, and defraud his, her, or their Master or Mistress thereof, contrary to the Trust and Confidence in them reposed, or being in service, without Assent or Commandment of his, her, or their Master or Mistress, shall embezzle or convert the same to his or her Use, with Purpose to steal the same, being of the Value of Forty Shillings or above, every such Offender or Offenders shall, upon due Conviction, suffer Death as in cases of Felony, without benefit of Clergy.

to suffer Death.

Proviso.

XIX. *Provided*, That any Apprentice or Apprentices, within the Age of Fifteen Years, shall be entitled to the benefit of Clergy for the first Offence only.

House-burning.

XX. *And be it further enacted*, That if any Person or Persons shall wilfully and maliciously burn,

or cause to be burned, any Dwelling-House, Barn, Out-House, or Warehouse of another, or any Public Building, or any Hovel, Cock, Mow, Rick, or Stack of Corn, Straw, Hay, or Wood, of another, all and every such Person or Persons so offending, and their Aiders, Abettors and Counsellors, shall, upon due Conviction, suffer as Felons, and be excluded from the benefit of Clergy.

&c. Felony without Clergy.

XXI. *And be it further enacted,* That whosoever shall maliciously shoot at any Person or Persons in any Dwelling-House or other Place, or shall knowingly send a Letter without any Name, or signed with a fictitious Name, demanding from any Person or Persons Money or other valuable thing, such Offender or Offenders, being duly convicted thereof, shall suffer as Felons, without benefit of Clergy.

Maliciously shooting at Persons, or sending anonymous Letters, punishable as Felony.

XXII. *And be it further enacted,* That whosoever shall feloniously take and carry away any Money or Goods in any other manner than is hereby before declared and provided for, or shall embezzle any of His Majesty's Stores, or the Utensils, Furniture, or Clothing in any Storehouse or Hospital of His Majesty, if such Offender or Offenders shall be found guilty of such felonious taking or carrying away of such Money or Goods, or of embezzling any of His Majesty's Stores, or the Utensils, Furniture, or Clothing, in any Storehouse or Hospital of His Majesty as aforesaid to the Value of Twenty Shillings or more, every such Offence shall be Larceny and Felony; and if the Value shall be found by Verdict or Trial to be less than Twenty Shillings, then such Offence shall be punishable as Petit Larceny, by such public Whipping as the Court, before whom such Offender shall be convicted, shall direct; and it shall and may be lawful for such Court to order the Offenders to make full Restitution, and in Default thereof to commit such Offender to the House of Correction, there to be put to hard Labour for a Term not exceeding three Months, as the Judges in their discretion shall think fit.

Persons stealing in any other manner, punishable as Felons.

Punishment of Petit Larceny.

XXIII. *And be it further enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Court, before whom any Offender shall be so convicted as of Petit Larceny, to punish such Offender by Whipping or Imprisonment, or Commitment of such Offender to the House of Correction, there to be put to hard Labour; the said Imprisonment or Commitment to the House of Correction not to exceed three Months, and within that Space for such time as the Judges in their discretion shall think fit.

Restitution of stolen Goods.

XXIV. *And be it further enacted,* That all Monies, Chattels, Merchandise, or Stores, found in the possession of any Burglar, Housebreaker, Robber, Thief or Purloiner, shall be delivered by the Justice of the Peace who shall take the examination of such Offender into the Custody of the Sheriff or his Deputy, where the Offence shall be committed, who shall be answerable for the same, until the Offender shall be convicted; and the Judge or Judges of the Court wherein such Offender shall be convicted shall order the said Money, Goods, or Stores, to be restored to the lawful Owner or Owners thereof; and where no Owner shall appear to claim the same, they shall be adjudged to be forfeited.

Allowance of Clergy not to protect Accessaries against a Trial.

XXV. *And be it further enacted,* That notwithstanding the Allowance of Clergy, and burning in the Hand of any principal Offender, the Accessaries to such Offender shall be arraigned and tried in the same manner as if such Clergy had not been allowed.

Clergy allowed but once.

XXVI. *And be it further enacted,* That every Person which once hath been admitted to the Benefit of his Clergy, being afterwards arraigned, shall not be admitted to the Benefit of his Clergy; and that every Person convicted of Manslaughter shall be marked with an M upon the Brawn of the left Thumb; and for any other Felony, the Person convicted shall be marked with a T in the same Place; these marks shall be made by the Gaoler in open Court: And if any Person con-

Offenders to be burnt in the Hand.

victed of any Felony for which he ought to have the Benefit of his Clergy, shall pray to have the benefit of this Act, he shall not be required to read, but without any reading shall be allowed to be, and punished as, a Clerk Convict, which shall be as effectual and as advantageous to him as if he had read as a Clerk.

Clergy prayed and allowed, without reading.

XXVII. And after allowance of such Clergy and Burning in the Hand such Person shall be enlarged and delivered out of Prison, by the Judge or Judges of the Court before whom such Clergy shall be granted, saving that such Judge or Judges may, for the further Correction of such Persons to whom Clergy shall be allowed, keep them in Prison, or send them to the House of Correction, for such convenient time as the said Judge or Judges shall think fit, so as the same do not exceed One Year's Imprisonment, or to punish them by Public Whipping.

Such Offenders then to be discharged.

Saving Clause.

XXVIII. And where a Man, convicted of any Felony, may demand the Benefit of his Clergy, a Woman convicted of the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded by an Outlawry for such Offence, but such Woman shall suffer the same Punishment as a Man that has the Benefit of his Clergy allowed him in the like case; (that is to say,) shall be burned in the Hand by the Gaoler in open Court, and may, for further Punishment, be kept in Prison, or sent to the House of Correction, for such time as the Judges shall think fit, so as the same do not exceed One Year, or be ordered to be publicly whipped, as the Judge or Judges, before whom such Woman is convicted, shall, from the quality of the offence, think meet.

Women admitted to the Benefit of Clergy, and Punishable as Men for clergiable Offences.

XXIX. And the Clerk of the Court or Assizes where such Man or Woman shall be convicted shall, at the request of any, in His Majesty's behalf, certify a Transcript containing the tenor of every Indictment and Conviction of such Man

Clerk to certify a Transcript, &c. of Allowance of Clergy.

or Woman, of his having the Benefit of Clergy, or her having the Benefit of this Act, and the addition of every such Person, and the certainty of the Felony and Conviction, to the Judge or Judges of the Court or Assize where such Man or Woman shall be indicted; which Certificate being produced in Court shall be a sufficient Proof that such Man hath before had the Benefit of his Clergy, and that such Woman hath had the benefit of this Act, in the same manner as if the Record had been produced.

Persons standing mute.

XXX. And if any Person or Persons indicted of any Offence for which by Virtue of this Act they are excluded from the Benefit of Clergy, or where the Benefit of Clergy shall be allowed, shall stand mute, or will not answer directly to the Felony, Judgment shall be pronounced and Execution awarded, as if such Person or Persons had been convicted of such Offence by Verdict or Confession; and if any Prisoner indicted of said Offences shall challenge peremptorily above Twenty of the Jury, such Challenge shall be overruled, and the Jurors shall be sworn for the Trial of such Prisoner as if no such Challenge had been peremptorily made.

Proviso.

XXXI. *Provided nevertheless,* That no Man who hath had the Benefit of Clergy allowed him, nor any Woman who hath had the Benefit of this Act, shall have the Benefit of Clergy or of this Act for any Felony committed since his or her having had the Benefit of Clergy or of this Act more than once, but shall, for any Felony by him or her committed after being allowed the Benefit thereof be utterly debarred from having the Benefit of the same again.

Proviso.

XXXII. *Provided also,* That if any Man admitted to his Clergy, or any Woman admitted to the Benefit of this Act, shall, before such his or her Admission, have committed any Offence whereupon Clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted or attainted, or pardoned, shall and may be indicted

or appealed for the same, and put to answer, as if no such Admission to the Benefit of Clergy or of this Act had been.

XXXIII. *And be it further enacted*, That every Person who shall be produced or appear as a Witness on the behalf of the Prisoner upon any Trial for Murder or Felony, before he or she be admitted to give Evidence, shall first take an Oath to depose the truth, in such manner as the Witnesses for the King are by Law obliged to do; and if any Witness be convicted of wilful Perjury in such Evidence, he shall suffer all the Penalties, Forfeitures, and Disabilities, which by Law may be inflicted on Persons convicted of wilful Perjury.

Witnesses for Prisoners to be sworn, and punishable for Perjury.

XXXIV. *And be it further enacted*, That all Indictments, Process, Pleadings, and Trials, and the Rules of Evidence upon any Trials for any Felonies and Misdemeanors, either by the Common Law of England or by Virtue of this Act, shall be according to the Usage, Practice, and Laws of England.

Indictments, &c. to be according to the Practice of England.

XXXV. And that all Convictions, Attainders, Judgments, and Executions, for any Felonies or Misdemeanors, before the making of this Act, shall be good and valid in Law, and the same are hereby ratified and confirmed.

Former Convictions confirmed.

XXXVI. *Saving* to all and every Person or Persons all such advantages in Law, upon any Judgment that may be depending in any Court of Record at the time of making this Act, in the same manner as if this Act had not been made.

Saving Clause.

XXXVII. *Be it enacted*, That if any Woman, with malice prepense, shall kill, or procure any other Person or Persons to kill, her Husband; or if any Servant, with malice prepense, shall kill, or procure any other Person or Persons to kill, his or her Master or Mistress, the Person so offending, their Counsellors, Aiders, and Abettors, privy to the Offence, shall, upon due Conviction, be adjudged guilty of Petit Treason, and suffer Death without benefit of Clergy accordingly.

Women or Servants killing Husbands or Masters, &c. guilty of Petit Treason.

Duty of Justices in the Examination and Bailment of Prisoners, &c.

XXXVIII. *And be it further enacted,* That the Justices of the Peace, before whom any Person shall be brought for any Murder, Manslaughter, or Felony, or on Suspicion thereof, shall take the Examination of such Prisoner, and Information of those that bring him, of the Fact and Circumstances thereof; and the same, or as much thereof as shall be material to prove the Fact, shall be put in Writing, and the same shall certify, together with the Bailmen of such Prisoner (in case the Crime whereof such Prisoner is charged is bailable) at the next Sessions of Oyer and Terminer, or Gaol Delivery, to be holden within the Limits of their Commission: And that the said Justices shall bind all such by their Recognizances or obligation as do declare any thing material to prove such Murder, Manslaughter, or Felony, against such Prisoner, to appear at the next Session of Oyer and Terminer, or Gaol Delivery, to be holden within the County where the Trial of such Murder, Manslaughter or Felony shall be, then and there to give Evidence against such Prisoner; and that the said Justices shall certify the said Bonds or Recognizances taken before them, in like manner as the Examinations of such Prisoners, and the Witnesses, are herein before directed to be certified.

Preamble.

XXXIX. *And whereas* a most infamous Practice has long prevailed, among certain thievish and unprincipled Persons in this Island, of some-times taking Flats, Canoes and other Boats, from their Moorings or Fastenings and at other times robbing the same of their Rope, Chain, or other thing by which the same were moored or fastened, without License or Leave of the Owners of such Flats or Boats first had and obtained: Wherefore, for the effectual Suppression of such infamous Practice in future,

Persons taking Boats, &c. from their Fastenings or Moorings,

Be it enacted, by the authority aforesaid, That all Persons who shall, from and after the Publication of this Act, take and carry away any Flat, Canoe, or other Boat, fastened and moored as

aforesaid at any place whatever in this Island, or any Rope, Chain, or other Thing by which they shall or may be so moored or fastened, or any of the Oars, or other Apparel or Furniture thereunto belonging, without Leave for that Purpose first had and obtained of the Owner or Owners of such Flats, Canoes, or Boats, or of some Person or Persons having lawful authority to give such License or Leave, shall be deemed and adjudged guilty of Felony, and upon Conviction thereof, in due course of Law, shall, for the first Offence, be sentenced to pay a Fine not exceeding Five Shillings and for the second Offence Ten Shillings, and for the third and every other Offence, Fifteen Shillings.

to be adjudged guilty of Felony.

This Clause altered by 5th Geo. 4th, c. 9.

CAP. II.

An Act for the rescinding, annulling, and making void, all and every the Proceedings had in the Years One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling certain Lots or Townships of Land in this Island, herein after mentioned, or any of them, or any part thereof.

Disallowed by His Majesty in Council.

CAP. III.

Expired.

An Act in addition to and amendment of an Act made in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits of what nature or kind soever.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near expiring.

Anno Tricesimo Quinto Regis Georgii III.

1795.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation unto the Sixteenth day of February, One Thousand Seven Hundred and Ninety-five, and in the Thirty-fifth year of His said Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President of Council.

JOHN STEWART, Speaker.

CAP. I.

Expired.

An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled *An Act for the establishing and regulating a Militia.*

CAP. II.

An Act for confirming Titles and quieting Possessions.

Preamble.

WHEREAS it is deemed expedient, and will tend to promote the speedy Settlement and Cultivation of this Island, that all *bona fide* Purchasers and Lessees of Lands, Tenements, and Hereditaments, who now have, or hereafter shall have been in the quiet and peaceable possession thereof for the space of Seven Years, or who have derived their Titles from such Purchasers, be confirmed in the Possession of their said Lands:

Purchasers and Lessees who have been, or who shall hereafter be, in possession of Lands for the Space of Seven Years, and all Persons claiming under them, quieted in the same according to the Right, &c. intended to be conveyed.

1. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That all Persons who now have, or hereafter shall have been in the quiet and peaceable Possession of Lands in this Island for the Space of Seven Years, by Lease or Purchase, and all persons claiming from, by, or under them, be, and they are hereby confirmed in such Possession, according to the Right, Title, or Interest, intended to be conveyed in and by such Leases and Conveyances. And that all Persons now in Possession, by Lease or Purchase from any Person or Persons who have been in the quiet and peaceable Possession thereof for the space of Seven Years previous to such Lease or Sale, shall be, and they are hereby confirmed in the peaceable and quiet Possession of their said Land, in all time coming; any Want of Registry thereof, in terms of An Act intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled "An Act appointing the recording*

Purchasers and Lessees under Persons in Possession for the Space of 7 Years also quieted;

any want of Registry in terms of a former Act, notwithstanding.

all Deeds of Sale, Conveyances, and Mortgages," in any wise notwithstanding.

II. *And be it further enacted, by the authority aforesaid,* That all Deeds of Sale of any Lands or Tenements in this Island heretofore made by the Provost Marshal, Sheriff, or Coroner, or their Deputies, under Writs of Execution to them or any of them directed, for the Satisfaction of any Judgment, and all Purchases made in terms of the preceding Clause of this Act, shall be and they are hereby confirmed; any want of legal Form in such Deeds of Sale notwithstanding.

Deeds made by Sheriff, &c. under Writs of Execution, and Purchases made in Terms of preceding Clause of this Act, confirmed, want of legal form in such Deeds notwithstanding.

III. *And Whereas* there are a number of Grantees of Town and Pasture Lots, and other Lands from the Crown, who either from Ignorance of the Register Laws, or from Neglect of the Register Office, have not had their Deeds registered agreeably to the Provisions of the said Act;

Preamble.

Be it therefore enacted, That all such Grants shall be, and they are hereby confirmed; any want of Registry of such Grants notwithstanding.

Confirming Clause.

IV. *Provided always, and it is hereby particularly provided and declared,* That nothing herein contained shall extend, or be construed to extend, to the confirming of Titles, or quieting Possessions, of any Persons claiming by Virtue of Deeds of Sale, or Conveyances from the Provost Marshal, or his Deputy, of certain Lands prosecuted and sold in the Year One Thousand Seven Hundred and Eighty-one, under an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John.*

Proviso.

V. *And provided also,* That all Possessors of Lands who have been Seven Years in the quiet and peaceable Possession thereof, and whose Titles are hereby meant to be confirmed, shall have the same duly proved and registered within *Ninety Days* from the Publication hereof.

Proviso.

VI. *And provided also,* That nothing in the preceding Clause contained shall be construed to extend to enabling any Persons claiming any Lands, Tenements or Hereditaments, in this Island, and

Proviso.

who have neglected to register their respective Deeds according to Law, to set up any Claim against the present actual Possessor, whose Title is duly proved or acknowledged, and registered according to Law, by now registering the same within *Ninety Days* as aforesaid.

Nothing herein contained to extend to the confirming Errors in relation to Boundaries between Townships of Land.

VII. *And be it also further enacted*, That nothing herein contained shall extend, or be construed to extend, to the confirming any Error which may have taken place in fixing the Boundaries between the different Lots or Townships in this Island.

CAP. III.

Repealed by 3d Will. 4th, c. 1.

An Act to alter and amend the High Road Laws.

CAP. IV.

Repealed by 3d Will. 4th, c. 26.

An Act for regulating Servants.

CAP. V.

Made perpetual by 43d Geo. 3d, c. 1.

An Act to prevent the running at large of Geese within the Town of Charlotte-Town.

Preamble.

WHEREAS great complaints have been made, and many inconveniences have happened, from the vast numbers of Geese being kept in the Town of Charlotte-Town:

No Geese to run at large in Charlotte-Town, under Forfeiture.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the first Day of May next, no Geese shall be allowed to go or run at large in the Town of Charlotte-Town, under the Penalty of the same being forfeited.

Geese found at large may be taken up by any Person, and carried before a Justice.

II. *And be it further enacted*, That it shall and may be lawful for any Person whatever, who shall or may find any Goose or Geese at large upon the Streets of said Town, to take up and seize such Goose or Geese, and within Twenty-four hours after securing the same, to make Oath before any of His Majesty's Justices of the Peace; that he or they found the said Geese at large as aforesaid: And

the said Justice shall thereupon order the said Geese within a convenient time, to be disposed of at Public Auction: and one Half of the Price for which every such Goose or Geese shall or may sell, he shall cause to be paid to the Person or Persons who shall find, take up, and seize the same; and the other Half to be given to the Poor of the said Town: Which Sums are to be paid and disposed of by the Justice who shall have given the said Order for the sale of such Goose or Geese.

Proceedings thereon.

III. *And it is hereby declared,* That this Act shall continue and be in full Force, from and after the First Day of May next, for the space of Three Years, and to the end of the then next Session of the General Assembly of the Island, and no longer.

This Act to continue in Force 3 Years.

CAP. VI.

An Act to repeal an Act intituled, "*An Act for the Publication of all the Laws within this Island, and for recording the same in the Secretary's Office; as also for transmitting the Journals of the Council and House of Assembly, into the said Office, to the end that no Person be ignorant of the Laws of this Island.*"

Executed.

CAP. VII.

An Act to alter and amend an Act made and passed in the Twenty-Sixth Year of His present Majesty's Reign, intituled, *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled "An Act for establishing the Times and Place of holding the Supreme Court of Judicature."*

See 3d Will. 4th, c. 12, s. 6.

WHEREAS the Attendance of Jurors at the Three Terms of the Supreme Court of Judi-

Preamble.

cature heretofore held hath been productive of much inconvenience and loss of time to the Inhabitants of this Island;

Trinity and Hilary Terms to be the only issuable Terms in Supreme Court of Judicature.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That two of the said Terms heretofore established, called Hilary and Trinity Terms, shall hereafter be holden to be the only issuable Terms of the said Supreme Court; any Thing in the said Act contained to the contrary notwithstanding.

Proviso.

II. *Provided always,* That this Act shall not extend, or be construed to extend, to prevent the trial of Actions in a Summary Way, agreeable to the Provisions of an Act made and passed in the Twenty-sixth Year of His Majesty's Reign, intituled "*An Act for the Trial of Actions in a summary Way.*"

CAP. VIII.

An Act to alter and amend an Act, made and passed in the Twenty-sixth Year of His Majesty's Reign, intituled, *An Act for more especially making Lands and Tenements liable to the Payment of Debts; also to enable the Holders of Mortgages to sell the Premises mortgaged to them more speedily and at less Expense than heretofore; as also to repeal an Act made in the Twenty-first Year of His present Majesty's Reign, intituled "An Act making Lands and Tenements liable for the Payment of Debts."*

Preamble.

WHEREAS in and by the said Act, Lands and Tenements are made liable to be sold within Six Calendar Months after they shall have been taken in Execution; *And whereas* this Provision of the said Act has been found to operate with great Severity against Debtors: For Remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That from and after the Publication hereof, no Lands and Tenements hereafter to be taken in Execution within this Island, by Virtue of the said Act, shall be exposed to sale within less than Two Years after they shall have been taken in Execution; any thing in the said Act to the contrary notwithstanding.

Lands, &c. hereafter taken in Execution, not to be sold in less than two Years.

CAP. IX.

An Act to amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled "*An Act to prevent Trespasses by unruly Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town.*"

Repealed by 3d Will. 4th, c. 27.

CAP. X.

An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer.

WHEREAS the Duties heretofore collected within this Island have been found insufficient to pay off the Debts and support the Expenses of this Government: For Remedy whereof.

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Tenth Day of April next, in this current Year, the following Duties shall be paid on the several Articles herein after enumerated:

Duties herein prescribed to be paid on Importation of Rum, &c.

On all Rum and other distilled Spirituous Liquors *Four Pence* per Gallon, over and above the present *Six Pence* per Gallon, payable on the said Liquors imported into this Island;

On all Wines of every Denomination, the like additional Duty of *Four Pence* per Gallon, over and above the present Duty payable on the same;

On all Porter, Ale, and Strong Beer, *Two Pence* per Gallon:

Collection to be made under Act, of 25th Geo. 3d, c. 4.

Which said several Duties shall be paid and collected in manner, and under the Rules and Regulations, mentioned and expressed in the Act of the Twenty-fifth Year of His present Majesty's Reign, intituled "*An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other distilled Spirituous Liquors.*"

Monies arising by virtue of this Act, how to be accounted for.

II. *And be it further enacted,* That the Monies arising by virtue of this Act shall be accounted for unto His Majesty in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or His Deputy.

CAP. XI.

Executed.

An Act for granting the Sum of Four Hundred Pounds for supporting His Majesty's Government in this Island.

CAP. XII.

Repealed by 3d Will. 4th, c. 19.

An Act for ascertaining the Standard of Weights and Measures in this Island.

Anno Tricesimo Sexto Regis Georgii III.

1796.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Second day of February, One Thousand Seven Hundred and Ninety-six, and in the Thirty-sixth year of His said Majesty's Reign, being the Fifth Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President of Council.

JOHN STEWART, Speaker.

CAP. I:

Expired.

An Act for the Preservation of Sheep throughout the Island.

CAP. II.

Repealed by 3d Will. 4th, c. 27.

An Act to prevent the Robbing of Gardens and Orchards, Potato and Turnip Fields, and throwing down of Fences, and for amending an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled, *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town.*

CAP. III.

An Act to render valid Conveyances of Real Estates of married Women, by them made, or to be made, during their Coverture.

Preamble.

WHEREAS it hath been heretofore usual for married Women entitled to Dower in and to Lands and Tenements in this Island, to convey the same jointly with their Husbands during Coverture, and no Inconvenience hath been found to result therefrom; nevertheless, without a Law to render such Conveyances valid, Purchasers are liable to Claims of Dower by such Women:

Deeds heretofore made by *Baron* and *Feme* of Lands, &c. as valid to bar Right of Dower as if made when sole, or by joining in levying Fine.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That all Grants and Deeds and Conveyances heretofore made and executed by any married Woman, jointly with her Husband, of any Lands, Houses, or Tenements within this Island, whereof such married Woman is dowa-

ble, shall be as good and valid in Law as if the same had been made by a *feme sole*, or as if such married Woman had joined in levying a Fine according to the Law and Practice in that behalf made and used in that part of *Great Britain* called *England*.

II. *And be it further enacted, by the authority aforesaid*, That all Grants and Conveyances which shall hereafter be made by any married Woman, jointly with her Husband, of Lands, Houses, and Tenements, whereof she is by Law dowable, or in or to which she may have any present or future Interest, either in her own Right, or in or by any other Way or Means whatsoever, shall be as good and valid in Law, and of the same Force and Effect, as if the same Grants and Conveyances had been made by a *feme sole*, or as if such married Woman had joined in levying a Fine in manner herein before mentioned; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Deeds hereafter to be made by *Baron* and *Feme*, of Lands, &c. as valid to bar Dower as if made when sole, &c.

III. *Provided*, such Deed or Deeds so sealed and executed by such married Woman, shall have been acknowledged in the presence of a Judge of the Supreme Court of Judicature of this Island, or any Justice of the Peace thereof, by such married Woman, as her free and voluntary Act and Deed, and to have been executed for the Purposes in the said Deed or Deeds mentioned, and that the same was done without any Force or Compulsion from her Husband; and that a Certificate of such Acknowledgment, in the Words following, *mutatis mutandis*,——

Provided such Deeds be acknowledged before a Judge or Justice of the Peace.

"BE it remembered, that on the day of in the Year of our Lord one Thousand Seven Hundred and the within named (Wife of the within named) personally appeared before me one of the Justices of and being by me solely and separately examined apart from her said Husband, did acknowledge that the within written Indenture of was by her duly signed, sealed, and delivered, and executed, as and for her free and voluntary

Form of Certificate of acknowledgment.

"Act and Deed; and that she executed the same "without the Compulsion or Force of her said "Husband; and that at the Time of the Execu- "tion thereof she knew the same to be a Con- "veyance of the Estates and Premises within "mentioned unto the within named his "Heirs and Assigns, free and clear of all Estate, "Right, Title, Interest, Claim, and Demand, of "her the said in respect of her Dower or "otherwise"—under the Hand of the said Judge of the Supreme Court, or Justice of the Peace, before whom the same shall be made, be underwritten or endorsed on each and every such Grant, or Deed of Conveyance.

CAP. IV.

An Act to explain and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled "*An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution.*"

20th Geo. 3d, c. 2.

Preamble.

WHEREAS by the Provisions of the above recited Act no Person holding less than one fourth Part of a Lot or Township is entitled to apply for a Division of the Lot or Township in which his Land lies: *and whereas* since the Date of the said Act, many Persons have made Purchases of smaller parts of undivided Lots, and are without any legal Remedy to procure Possession thereof, to the great Hindrance of the Settlement of the Island, and the manifest Injury of such Proprietors: To remedy which in time coming,

Upon Application of Persons owning Lands in undivided Town-

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted and declared,* That from and after the passing hereof, as often as any Person holding not less than One Thousand Acres in a Township, nor less than Five Hundred Acres in a Half

Township, being desirous to have his or their Share or Right set off and divided, such Person or Persons may and they are hereby empowered to apply to the Governor in Council, praying a Division of such Township, or Half Township, as the case may be; and the Governor and Council is hereby authorised and required to grant the necessary orders to the Surveyor General for dividing the said undivided Township or Half Township, and shall proceed to the final Division thereof, agreeable to the Mode prescribed by the before in part recited Act.

ships, &c. Governor and Council authorised to direct Surveyor General to proceed to final Divison.

II. *And be it further enacted,* That the Surveyor General shall, as far as the same depends on him, be bound to complete the said Division within Forty Days from the Date of the Governor's Order to him for that purpose, on Pain of forfeiting to the Proprietor petitioning for such Division the Sum of *Ten Pounds*; to be recovered in the Supreme Court, by Bill, Plaint or Information.

Such Division to be completed in 40 Days.

Penalty on Neglect.

CAP. V.

An Act to prevent disorderly Persons from taking and riding or using the Horses of others, without their Leave or Permission.

WHEREAS an unjustifiable practice has lately taken place of riding and using Horses without the Consent or Knowledge of the Owners thereof: For Remedy whereof,

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That from and after the Tenth Day of March in the present Year, all and every Person and Persons whatsoever, who shall ride or use any Horse or Horses belonging to any other Person or Persons, without their consent first had and obtained, shall, on Conviction thereof, before any One Justice of the Peace, forfeit to the Party injured, the Sum of *Twenty Shillings,* or suffer Fourteen Days Imprisonment; the said

Penalty on Persons riding or using the Horses of others without their Permission.

Mode of recovery.

Penalty to be over and above what may be adjudged to be the Hire of such Horse, during such time as the Owner or Owners shall be deprived the Use thereof; or any Damages the injured Party may prove to have sustained thereby.

CAP. VI.

Executed.

An Act for repealing two several Acts herein after mentioned, that is to say, an Act made and passed in the Twenty-first Year of His Majesty's Reign, intituled *An Act for the preservation of High Ways,* also An Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act to explain and amend an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled, "An Act for the preservation of High Ways."*

CAP. VII.

An Act for appointing Commissioners of Sewers.

Upon Application of Proprietors of any Marsh Lands, &c. Governor and Council authorised to appoint Commissioners.

Their Power and Authority.

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That upon each and every Application of any of the Proprietors of any Marsh, low Lands or Meadow, the Lieutenant Governor, or Commander in Chief, with the Advice of His Majesty's Council, may and is hereby authorised by Commission to appoint such able and discreet Persons as to him shall seem meet, to be Commissioners of Sewers; In which Commission such Commissioners shall be authorised and empowered to convene and meet together from time to time, as occasion may require, to consult, consider and devise Means and Methods for building, erecting or repairing such Dams, Dykes, and Wares, as are or may be necessary to prevent Inundations; and for the draining or drowning of Marshes, Swamps and other unprofitable

Lands; and to employ Labourers and Workmen, for such reasonable Wages as may be agreed on for that purpose; and to tax and assess all such Persons, from time to time, as shall or may be Owners of such Marshes, Meadows, Swamps, or unprofitable Lands as aforesaid, for defraying the Expense thereof; having regard to the quantity of Land of each Person, and Benefits thereby to be received, as equally as they can, according to their best Judgment; and also to appoint and swear a Collector or Collectors for collecting such Assessments, and paying the same to such Persons as by said Commissioners shall be appointed, with Powers to distrain all such Persons as shall neglect or refuse to make Payment of his, her, or their Proportions assessed as aforesaid, in like manner as is usually done in other Cases by Distress; and to call before them such Collector or Collectors, to account for his or their Trusts in regard to the Premises; and likewise to value such Repairs as may have been made to such Dykes and Wares by the Proprietors before the date of their said Commissions; and to apportion an Assessment for the payment thereof by those who have been, or may be, benefited thereby, in the same manner as if such Repairs had been made by their own orders; which said Commissioners shall be sworn to a faithful Discharge of their Duty, and may receive out of such Assessment a reasonable Compensation for their trouble, to be allowed by the Governor and Council, to whom such Commissioners shall be accountable.

Commissioners to be sworn and paid for their trouble.

To whom accountable.

II. *And be it further enacted,* That if no Person shall appear to pay the Quota or Proportion of any delinquent Proprietor, in any Assessment made as aforesaid, for the dyking or draining such Lands, and no sufficient Distress shall be found to answer such Assessment, the Commissioners of Sewers, or major part of them, shall, by Advertisement, to be posted up on the Lands of such delinquent Proprietors, give Public Notice for letting the same; and if no Person shall appear to hire the same, it shall and may be lawful for the said Commissioners, or the

If no Person appear to pay delinquent Proprietor's Assessment, Commissioners may advertise Land to let.

If no Person appear to hire, Commissioner empowered to order Sheriff to sell so

much thereof as will pay such Assessment, &c.

major part of them, by Warrant under their Hands and Seals, to order the Sheriff to sell at Public Auction, giving Six Months previous Notice by Advertisement, to the highest Bidder, so much of such Delinquent's Lands so dyked in and drained, as may be sufficient to pay such Proportion or Quota due as aforesaid, with the Charges of such Sale; and such Sheriff is hereby authorised and directed to execute a good and authentic Deed to the Purchaser or Purchasers thereof, their Heirs and Assigns.

Owner, &c. of Marsh being duly notified, shall attend himself, or send a sufficient Labourer to work in raising Dykes, &c.

III. *And be it further enacted*, That in all ordinary cases, either in raising or repairing Dykes, or draining Lands, each and every Owner or Possessor of Marsh or Low-Lands in this Island, where such Commissioners are appointed, shall, upon receiving Six Days Notice from the Commissioners, attend either himself, or provide a sufficient Labourer with proper Tools, to work at such Time and Place as by them shall be appointed, agreeable to the Rules and Regulations made for that purpose, and according to the Quantity or Proportion of Land belonging to such Owner or Proprietor. And where it may be necessary to employ Oxen and Carts, each and every Owner or Possessor of such Lands who have them, shall in like manner be obliged to attend with such Oxen and Carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay, over and above his Tax or Assessment, the Sum of Five Shillings for every Day's Neglect, and so in Proportion for Oxen and Carts, to be recovered in any Court proper to try the same; and the Monies arising from such Fines to be paid into the hands of the Commissioners, to be appropriated for Repairs of such Dykes.

Oxen and Carts may be employed instead of Labourers, at discretion of Commissioners.

Penalty on Neglect.

How to be recovered and applied.

In case of any sudden Breach in any Dyke, &c. of Lands therein to repair thither, and endeavour to mend such Breach.

IV. *And be it also further enacted*, That in cases of any sudden Breach in any Dyke, or where the same is likely to be made, or Inundation occasioned by high Tides, Storms, or otherwise, each and every Owner or Possessor of Land within such Dykes

shall immediately, on Notice given by one or more of the Commissioners, repair to the Place directed, with proper Tools or Teams, to labour and use their utmost endeavours to repair or prevent such Breach, and shall continue to work from day to day, so long as the Commissioners of Sewers shall judge necessary, or shall forfeit and pay, over and above their Tax or Assessment, the Sum of Ten Shillings for each day's neglect, and so in Proportion for Oxen and Carts; to be recovered in manner and applied to the Uses aforesaid.

Penalty on Neglect.

How to be recovered and applied.

V. *Provided always*, That any Person aggrieved by any Procedure of such Commissioners may prefer his or their complaint, by way of Appeal, to the Governor in Council for relief, at any time within Six Months, who are hereby authorised to grant redress, and on any groundless complaint, to tax Single Costs in favour of such Commissioners.

Persons aggrieved may appeal to Governor and Council.

Anno Tricesimo Septimo Regis Georgii III.

1797.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Eleventh day of July, One Thousand Seven Hundred and Ninety-seven, and in the Thirty-seventh year of His said Majesty's Reign; being the Sixth Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President of Council.

JOHN STEWART, Speaker.

CAP. I.

20th Geo. 3d, c. 1.
35th Geo. 3d, c. 1.

An Act in addition to and amendment of an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act for the establishing and regulating a Militia;* also an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of His present Majesty's Reign, intituled "An Act for the establishing and regulating a Militia."*

CAP. II.

Expired.

An Act for continuing sundry Laws that are near expiring.

Anno Tricesimo Octavo Regis Georgii III.

1798.

At the General Assembly of His Majesty's ISLAND of St. JOHN, begun and holden at Charlotte-Town on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations until the Twentieth day of November, One Thousand Seven Hundred and Ninety-eight, and in the Thirty-ninth year of His said Majesty's Reign, being the Seventh Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President.

JOHN STEWART, Speaker.

CAP. I.

An Act for altering and changing the name of this Island, from Saint John to that of Prince Edward Island.

Preamble.

WHEREAS the name of Saint John, by which this Island hath hitherto been known and called, has from long experience been frequently found to occasion much prejudice and inconvenience to Individuals, as well as to His Majesty's Service, by the miscarriage or delay of Government Dispatches and private Letters, and even of Merchandise and Packages, sent out from England or other distant Parts, addressed to Persons in this Island, by being carried, through mistake, to St. Johns in Newfoundland, or St. John in New-Brunswick, or St. Johns on the Labrador Coast, or elsewhere; and which miscarriages and delays are likely unceasingly to occur, and most probably to multiply, from an increase of Inhabitants, and the consequent more frequent occasion of Intercourse between this Island and Foreign parts: for prevention whereof in future, as well as to perpetuate (*in omne volubile ævum*) the grateful remembrance of that peculiarly auspicious and happy period, of this Island having been under the command of *Lieutenant General His Royal Highness Prince Edward*, Commander in Chief of His Majesty's Forces in the District of Nova-Scotia, Islands St. John, Cape Breton and Newfoundland, Knight of the most noble order of the Garter, and of the most Illustrious order of Saint Patrick, &c. &c. &c. we the Lieutenant Governor, Council, and Assembly of this Island, in General Assembly convened, most humbly beseech The King's most Excellent Majesty that it may be enacted,

The name of this Island to be altered from Saint

I. *And be it enacted, by the Lieutenant Governor, Council and Assembly*, and it is hereby enacted by the authority aforesaid, that the name of this Island

shall be altered and changed from Saint John's Island to that of Prince Edward Island. And *to the end that* no temporary injury or prejudice whatever may result from the change and alteration of the name or appellation of this Island.

John's Island to that of Prince Edward Island.

II. *Be it further enacted, by the authority* aforesaid, That all Acts of Parliament and Laws of this Island, and all Commissions, both Civil and Military, and all Patents, Grants, Deeds, Leases, Obligations, Recognizances, and all Writs and Processes in the Courts of Law or Equity, and all other Writings and Records whatsoever, wherein the name of Saint John's Island now is, or heretofore have been inserted or mentioned, or to which there is any reference or relation whatever, are hereby declared to be, and shall continue to be, of equal force, power, validity, operation and effect, to all and every intent and purpose whatsoever, as if the name or appellation of this Island had never been altered or changed.

All Acts of Parliament Commissions, &c. wherein the name of St. John's Island is or has been inserted, to be of equal force and validity as if the name of the Island had not been changed.

III. *And Whereas*, through mistake, inadvertency, or otherwise, it may so happen, that the name of St. John's Island, instead of Prince Edward Island, may be written or inserted in some Law, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record or other Writing, which shall or may hereafter be passed, issued, executed, made, done or entered into, in this Island, or elsewhere, having reference or relation to the name of this Island:

Preamble.

Be it further enacted, by the authority aforesaid, That no such error or mistake as aforesaid, in the name of this Island, *provided* the same shall happen *within the space of seven years*, from the passing of this Act, but not afterwards, shall work any injury or prejudice whatsoever; but that all and every such Act of Parliament, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record or other Writing whatsoever shall notwithstanding be of equal force, validity, operation and effect, to all intents and purposes whatsoever, as if no such

No Error in the name of the Island to work any injury or prejudice, within seven years from the passing of this Act.

misnomer, error or mistake in the name of this Island had ever been made.

Suspending Clause.

IV. *Provided*, that nothing contained in this Act shall be of any effect until His Majesty's pleasure is known.

CAP. II.

Executed.

An Act to repeal an Act made and passed in the Thirteenth Year of His present Majesty's Reign intituled *An Act for indemnifying persons who shall burn small bushes, rotten wind-falls, decayed leaves, and all other brush and rubbish, upon the Lands, and in the woods on this Island.*

CAP. III.

Expired.

An Act in addition to and amendment of an Act made and passed in the Thirty-sixth year of His present Majesty's Reign, intituled *An Act for the preservation of Sheep throughout the Island.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near expiring.

Anno Quadragesimo Primo Regis Georgii III.

1801.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations until the Thirteenth day of July, One Thousand Eight Hundred and One, and in the Forty-first year of His said Majesty's Reign, being the Eighth Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

PETER STEWART, President.

JAMES CURTIS, Speaker.

CAP. I.

Expired.

An Act for granting a Bounty for growing and cultivating of Hemp in this Island, for the purpose of Exportation.

CAP. II.

Repealed by 49th Geo. 3d, c. 2.

An Act in addition to, and amendment of, an Act made and passed in the Thirty-fifth year of His Majesty's Reign, intituled *An Act to alter and amend the High Road Laws.*

CAP. III.

Expired.

An Act to enable the Inhabitants of Charlotte-Town to meet annually, on the First Monday of August, to rate and assess themselves, towards making and repairing the Pumps and Wells, within the said Town.

CAP. IV.

Repealed by 47th Geo. 3d, c. 3

An Act for the better regulation of Elections.

CAP. V.

Repealed and re-enacted, with amendments, by 3d Will. 4th, c. 10.

An Act to explain and amend the Laws of this Island, appointing and directing the recording of Deeds of Sale, Conveyances and Mortgages.

WHEREAS by the provisions of the Laws passed in this Island, appointing and directingthe *recording of Deeds of Sale, Conveyances*

and Mortgages, the same are declared to be of no force or effect in Law except against the Grantor or Grantees, and his or their Heirs, unless such Deeds of Sale, Conveyances and Mortgages shall have been recorded in the *Register Office* for the said Island, *within the time thereby limited:*

And Whereas irreparable injuries might arise to persons who, from accident or otherwise, have not caused such Deeds and Conveyances to be registered within such time:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing of this Act, no person or persons claiming, or to claim, any Estate, Right, Title or Interest, in or to any Lands, Tenements or Hereditaments in this Island, by virtue of any Deed of Sale, Grant, Lease, Release, Mortgage, Settlement, or other Deed or Conveyance in the Law, duly made and executed, shall be hindered or prevented the full benefit and advantage thereof, *although the same be not registered within the time by Law limited,* unless the Lands, Tenements or Hereditaments thereby meant and intended to be conveyed and assured shall have become charged or incumbered, by Deed of Sale, Grant, Lease, Release, Mortgage, Settlement, or other Conveyance, Attachment, Judgment, Execution or otherwise, by due operation of Law, before such first mentioned Deed of Sale, Grant, Lease, Release, Mortgage, Settlement, or other Deed of Conveyance shall be registered, any thing in the said Laws contained to the contrary notwithstanding.

II. *And Whereas* there are a number of *Grantees* of Town and Pasture Lots, and other Lands from the Crown, who, either from ignorance of the Register Laws, or from other causes, have not had their Deeds registered agreeable to the provision of the said Laws:

Be it therefore enacted, That all such Grants shall be, and they are hereby confirmed, any want of Registry of such Grants notwithstanding.

Provided also, that all such Grants shall be duly Registered within *ninety days* from the passing of this Act.

CAP. VI.

Repealed by 2d Will. 4th, c. 1.

An Act in further addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled *An Act for the more easy and speedy recovery of* Small Debts.

CAP. VII.

Expired.

An Act for continuing sundry Laws that are near expiring.

CAP. VIII.

Expired.

An Act appointing and empowering William Knox, Esquire, and Thomas Knox, Esquire, to be Colony Agents for this Island.

Anno Quadragesimo Tertio Regis Georgii III.

1802.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Seven Hundred and Ninety, and in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and thence continued by several Prorogations until the Second day of November, One Thousand Eight Hundred and Two, and in the Forty-third year of His said Majesty's Reign; being the Ninth Session of the Sixth General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

ROBERT THORP, President of Council.

JAMES CURTIS, Speaker.

CAP. I.

An Act for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring.

Preamble.

WHEREAS the two several Acts herein after next mentioned are near expiring; and having from experience been found beneficial in their operation.

Acts made perpetual.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That an Act made and passed in Thirtieth year of His present Majesty's Reign, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Province;* and also an Act made and passed in the Thirty-fifth year of His said Majesty's Reign, intituled *An Act to prevent the running at large of Geese within the Town of Charlotte-Town*, be, and the same are hereby declared to be perpetual.

The remaining part of this Act, continuing two Acts in amendment of the Militia Laws, was only temporary, and hath expired.

CAP. II.

This Act has received the Royal Assent.

An Act for repealing an Act intituled *An Act for the effectual recovery of certain of His Majesty's Quit Rents, in the Island of Saint John*, and for the enforcing in future a due and regular payment of the Quit Rents, payable to His Majesty, His Heirs and Successors.

Preamble.

WHEREAS His Majesty has been graciously pleased to relinquish His Claims against the Proprietors of Land in the Island of Prince Edward, on account of *Arrears* of Quit Rent, on condition of their paying within a limited time, into the hands of the Receiver General of His Majesty's Quit Rents, a certain proportion of the sums

due by them respectively, according to a plan for that purpose, which has been approved by His Majesty:

And whereas it is highly expedient that the regular and effectual payment and collection for the future of the Quit Rents, reserved and payable to His Majesty, His Heirs and Successors, should be properly provided for and secured: *and whereas* the provisions of an *Act* passed by the Legislature of this Province, on the *Seventeenth Day of October, One Thousand Seven Hundred and Seventy-four*, intituled *An Act for the effectual recovery of certain of His Majesty's Quit Rents, in the Island of St. John*, apply to that part only of the Lands in the said Island upon which Quit Rents were then due; and the said Provisions have been found otherwise inadequate to the purposes for which the same were enacted, and it is therefore necessary that other and more general Regulations should be made in that respect, *we therefore pray Your Most Sacred Majesty* that it may be enacted:

Clause repealing Act 13th Geo. 3d, c. 13.

I. *And be it therefore enacted, by the Lieutenant Governor, Council and Representatives*, in this present General Assembly met, and by the authority of the same, that immediately from and after the passing of this Act, the said Act intituled "*An Act for the effectual recovery of certain of His Majesty's Quit Rents in the Island of St. John*," and every Part and Clause thereof shall be, and the same is *hereby repealed*.

If Quit Rents after the passing of this Act shall be in arrear and unpaid for more than one year, Receiver General may enter and distrain and sell.

II. *And be it further enacted*, by the authority aforesaid, that if the *Quit Rents* reserved and due and payable to His Majesty, His Heirs and Successors, upon any Lots, or Parts or Shares of Lots, of Land in the said Island, shall at any time after the passing of this Act be in arrear and unpaid, for more than one year, it shall and may be lawful to and for the Receiver General of His Majesty's *Quit Rents* for the time being, or any Person by him for that purpose duly authorized, to enter, in His Majesty's Name, into and upon each and every

of the said Lots, or Parts or Shares, of Lots of Land, upon which the Quit Rents shall be so unpaid and in arrear, and to distrain for such Quit Rents; and the Distress or Distresses on such Lots, or Parts or Shares of Lots of Land, to take, lead, drive, carry away, impound, sell and dispose of, according to the Laws and Practice of Great Britain *and* This Island, not repugnant thereunto, for the recovery of Rents.

If no distress sufficient the Sheriff to make Proclamation & Notify; if arrear not paid, application will be made to Supreme Court for Judgment.

III. *And be it further enacted*, by the authority aforesaid, That if no sufficient Distress or Distresses can or may be had or found upon the Premises to satisfy the Quit Rents so in arrear and unpaid as aforesaid, it shall and may be lawful to and for the Sheriff of the said Island, or his Deputy, and he is hereby authorized and required, at the sitting of the Supreme Court, next after the entry shall be made into and upon such Lots, or Parts or Shares of Lots, of Land in arrear of Quit Rents, as aforesaid, and upon which no sufficient Distress or Distresses shall be found, to make Proclamation of the said Lots, or Parts or Shares of Lots, so in arrear, with a *Notification* that in case such arrear is not paid within *Thirty Days* from the Day of such Proclamation, application will be made to the said Supreme Court, at their next sitting, after the expiration of the said Thirty Days, for *Judgment* to be passed against each and every of said Lots, or Parts or Shares of Lots, of Land in arrear, and proclaimed as aforesaid: And the said Sheriff, or his Deputy, shall put up at the Court House a Notice of such Proclamation, signed by him, and shall also publish such Notice in the Gazette, for and during the space of *One Month*; and in case, no Gazette shall be printed in the said Island, then the said Sheriff, or his Deputy, shall post up, in the usual manner, and in the accustomed places, such Notice, in printing or writing, within the Ten Days after such Proclamation shall be made as aforesaid.

Sheriff to post up Notices of the said Proclamation.

Supreme Court shall on proof,

IV. *And be it further enacted*, by the authority aforesaid, That the Supreme Court next sitting

after the expiration of the space of *One Month*, as aforesaid, upon application being made by the Receiver General of the Quit Rents for the time being, and Proof upon Oath that the Proclamation, and the Notice and publishing the same, as herein before directed, has been made and given; and also what Quit Rents were due, and in arrear, at the time of such Proclamation; shall, and the Judges thereof are hereby respectively authorized and directed, to give Judgment against such Lots, or Parts or Shares of Lots, of Land, in arrear as aforesaid, for the Quit Rents then due and in arrear, together with reasonable Costs; and shall issue a Writ of *Fieri Facias* thereupon, for such Quit Rents and Costs, directed to the Sheriff, or if necessary to the Coroner, and returnable within a reasonable time into the said Court.

&c. give Judgment against Land in arrear, and issue *Fieri Facias*.

V. *And be it further enacted*, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, upon receipt of such Writ, shall proceed to attach such Lots, or Parts or Shares of Lots, of Land, and shall give notice that he shall proceed to the sale thereof, on a fixed day therein to be mentioned, and not to be less than *Twenty*, nor more than *Thirty Days*, from the date of such Notice: such Notice to be posted and published in like manner as the Notice of Proclamation is herein before directed to be made; and the said Sheriff or his Deputy, or the Coroner, shall proceed to sell the same, the day fixed upon for that purpose, as aforesaid, *at public Sale or Vendue* in Charlotte-Town, and the best Bidder shall be deemed the Purchaser of such Lots, or Parts or Shares of Lots, of Land; and upon the payment of the purchase Money, which shall be within *Twenty Days* after such Sale, the Sheriff or his Deputy, or the Coroner, as aforesaid, shall execute proper and absolute Deeds of Conveyance therefor, which Deeds shall be good and valid, to all Intents and purposes, for conveying the same to the Purchasers and their Heirs and Assigns for ever, subject in future to the same Quit Rents as before were

The Sheriff to proceed on the Writ, to sell, first giving Notice; and make Conveyance thereof to the best bidder.

payble for the said Lots, or Parts or Shares of Lots, of Land :

Proviso.

Provided nevertheless, that if the Proprietors of such Lots, or Parts or Shares of Lots of Land, attached as aforesaid, or any Person in their behalf, shall at any time between the attachment and the time of sale, pay and discharge the Quit Rents in arrear, and the Costs attending the proceedings, such Sale shall not take place, and the said Lot, or Parts or Shares of Lots, of Land, shall be freed and discharged from the Judgment given against the same as aforesaid, any thing herein contained to the contrary notwithstanding.

Sheriff within Twenty days to pay in the purchase money to the Receiver General.

VI. *And be it further enacted*, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, shall, within *Twenty Days* after the receipt of the purchase Money as aforesaid, pay into the hands of His Majesty's Receiver General the Balance thereof, after deducting such Costs and Charges of Proceedings, and Sale, as shall be taxed and allowed by the Supreme Court.

Receiver General to pay the Quit Rent out of the purchase money, and pay the surplus to the Proprietors.

VII. *And be it further enacted*, by the authority aforesaid, That upon the receipt of the Balance of the purchase Money, from the Sheriff or his Deputy, or the Coroner, as aforesaid, the Receiver General shall deduct therefrom, and charge himself with, so much thereof as shall discharge the Quit Rents due and in arrear upon such Lots, or Parts or Shares of Lots, of Land, sold as aforesaid, and shall pay the surplus, if any shall be, to the Proprietors, their Heirs or Assigns, or their Attorney or Agent, upon the same being legally demanded, without any further charge or deduction whatever; and if any doubt shall arise who is the real Proprietor of the said Lots, or Parts or Shares of Lots, of Land, and entitled to receive the surplus of the said purchase Money ; or if it shall appear that any Person or Persons are interested in the said Lots, or Parts or Shares of Lots, as Mortgagees, or other legal Incumbrancers upon the same, or as claiming under any Settlement, Will or other Instrument in the Law, or otherwise legally interested in the Land sold, it shall be lawful for the

said Court, and the Judges of the said Court are hereby authorized and required, upon application of any Person interested as aforesaid, or upon the application of the said Receiver, to summon all such parties, or as many of them as they shall think fit to summon, and the said Receiver, and upon hearing of the matter in a summary way, to make such Order therein, for adjusting the said claims, or determining the matter in dispute, and for paying and distributing the said *surplus Money*, as to them shall seem meet, and cause the same to be carried into execution in the same manner as any Order or Judgment of the said Court is executed by Law: and the said Order shall and may be *pleaded* by the said Receiver General *in Bar* to any Action or Suit that may be brought against him, for having acted in obedience to the said Order; and the said Order shall also be received in evidence on behalf of the said Receiver, in any such Action or Suit, upon a Plea of the *General Issue*.

Preamble.

VIII. *And whereas* it may happen that Proprietors of Parts or Shares of undivided Lots of Land may be willing to pay a just proportion of the Quit Rents payable for the same Lots, and the other Proprietors thereof may not be willing to contribute thereto, in order therefore to prevent the Proprietors who shall be ready to pay a just proportion from being injured by the operation of this Act.

If Proprietors of parts of undivided Lots are willing to pay, they may apply to the Supreme Court, upon which survey may be made and Lots divided.

Be it enacted, by the authority aforesaid, That, upon application of any Proprietor of such Parts or Shares, or upon application of His Majesty's Receiver General for the time being, to the Supreme Court, setting forth the particular state of the Case, it shall and may be lawful to and for the respective Judges of the said Court to direct a *Survey* to be made, in such manner, and by such persons as they shall think fit, of the Lot of Land so circumstanced; in which Survey the said Lot shall be fairly and impartially divided into such shares, to be held in severalty, as bear a just proportion to the Interest which each of the several Proprietors thereof shall be previously entitled to in the said undivided Lots

—regard being had, in making such division, to the appropriating to each Proprietor the improved Land which he before held in such Lot; and the Supreme Court shall order and direct, by an Order to be entered of Record, in the Office of the Register of the said Island, which of such shares shall from thenceforth belong to each of the said Proprietors in severalty, and subject to what Proportion of the said Quit Rent the same shall be held—regard being had, in estimating such proportions of the Quit Rent, to the nature and quality of the land comprised in each Share, before such Land was cultivated or improved—and the Supreme Court shall ascertain such proportions, in such manner and by such means as they shall think fit. And the Shares so directed, by such Order, to be holden by the said respective Proprietors in severalty, shall thenceforth be holden by them, and their Heirs, respectively, in severalty, chargeable only with so much of the whole Quit Rent payable for the undivided Lot as shall be ascertained in the same Order; and such respective Share of the Lot so holden in severalty shall be in future chargeable with such proportion only of the Quit Rent, but shall be subject to the like remedies for the payment and recovery of such proportion, as are herein provided, with regard to any such undivided and entire Lot of Land; and all arrears of the entire Quit Rent which at the time of such Order, made as aforesaid, shall be due from the said Lot of Land, shall be recovered in the same manner and in the like proportions from the said respective Shares, and the Owners thereof.

Preamble.

IX. *And whereas* it may happen that the Tenants of Lots, or Parts or Shares of Lots, within this Island, may have duly paid their Rents to the Proprietors of the said Lots, or Parts or Shares of Lots, or may be ready and desirous to pay the same, at the time of the Distress to be taken, by virtue of this Act; and it would be extremely injurious to the said Tenants, if the Distress made upon the said Lots, or Parts or Shares of Lots, was to be levied of the Goods and Chattels of the said Tenants, in

order to discharge the whole of the arrears of Quit Rents due from the said Proprietors in respect of such Lots, or Parts or Shares of Lots:

Be it enacted, That it shall and may be lawful for any such Under Tenant to apply to the Supreme Court, and upon proof of such Tenant's having paid the Rent due from him or them respectively, or upon payment of such part of the Rent as shall be in arrear to his Landlord and unpaid, to the Receiver General of His Majesty's Quit Rents, towards the discharge of the arrear of the said Quit Rents due for or on account of the Lots belonging to the Landlords of such respective Tenants, the Goods and Chattels, absolutely the Property of such Tenants, shall not be liable to be distrained or sold; and it shall be lawful for the respective Judges of the Supreme Court, and they are hereby required, on the application of any Tenant as aforesaid, to hear and determine the same, in a summary manner, and to make such Order therein as the nature of the case may require; and the Arrear of Rent due to the Landlord, which shall be paid by the Tenant to the Receiver General of His Majesty's Quit Rents, as aforesaid, shall be applied in discharge of the Quit Rents due from the Landlord of such Tenant; and in case the same shall not be sufficient, the Lot or Lots of every such Landlord shall be sold, in order to make good the deficiency, subject to the Lease of the said Tenant:

Under Tenants not to be prejudiced by distress for Quit Rent beyond the sum they owe to their Landlords.

Provided always, that if such Tenant shall offer to pay the arrears of Quit Rent that shall be due, the said Receiver General shall receive the same, and the said Tenant shall be entitled to hold the Lot or Lots of Land as against his Landlord, as a security for the Money so advanced in payment of the arrears of Quit Rent, and to deduct out of his future Rent what he shall so pay; but such Security, or right to deduct, shall not prejudice any future payments of Quit Rents due to His Majesty, His Heirs and Successors, or prevent any remedy for recovery thereof.

Proviso.

Penalty on Sheriff, or Coroner neglecting Proclamation, &c.

X. *And be it further enacted*, by the authority aforesaid, That if the Sheriff or his Deputy, or the Coroner, shall neglect to comply with the directions of this Act, in respect to the making of Proclamation, and giving the proper Notices of such Proclamation and Sale of any Lots, or Parts or Shares of Lots of Land, attached by virtue of this Act, so that the Proprietors be thereby prevented from discharging the same, by paying the Quit Rents due thereupon, such Sheriff, or his Deputy, or the Coroner, shall forfeit and pay for every Default the Sum of *Fifty Pounds*, to be recovered in the Supreme Court, and to be to and for the use of the Proprietors injured thereby, or such person who shall sue for the same; and shall moreover be liable to answer for any special Damages that shall be suffered by any such Proprietors, by reason of such neglect, in any Action or Suit, to be brought with the leave of the Supreme Court.

Preamble.

XI. *And whereas* many of the Proprietors of Land in the Island of Prince Edward are resident in Great Britain and Ireland, and cannot conveniently pay their Quit Rents in the said Island:

If Proprietors residing in Great Britain or Ireland, pay Quit Rent before the first day of August next, and annually in future, those Lots are not liable to be proceeded against.

Be it therefore enacted, by the authority aforesaid, That if any Proprietors of Lots, or Parts or Shares of Lots, of Land in the said Island, residing in Great Britain or Ireland, shall and do, on or before the first Day of August next ensuing the passing of this Act, discharge and pay their Quit Rents in arrear, and shall pay their future Quit Rents, annually and regularly in London, to the Receiver General of His Majesty's Quit Rents, or his sufficient Deputy, such Lots, or Parts or Shares of Lots, shall not be liable to be proceeded against, as directed by this Act: *Provided nevertheless*, that if such Proprietors do neglect to pay their Quit Rents from time to time, for the space of *Six Months* after the same shall become due and payable, according to their undertaking, as aforesaid, the said Lots, or Parts or Shares of Lots, shall be liable to be proceeded against as herein directed; and the Receiver General of His Majesty's Quit Rents, or his Deputy

Proviso.

as aforesaid, shall, for that purpose, transmit to the proper Officer in the Island of Prince Edward, within *Three Months* from and after the expiration, from time to time, of the said *Six Months*, whenever such neglect shall happen, an account of such Proprietors who shall so neglect their Payments, that the same may be made liable and be proceeded against accordingly; and such Account so transmitted as aforesaid, shall be conclusive Evidence that the said Proprietors have so neglected to pay their Quit Rents, and that the said Lots, or Parts or Shares of Lots, are liable to be proceeded against as herein directed.

CAP. III.

An Act to alter and amend an Act made and passed in the Twenty-sixth year of His Present Majesty's Reign, intituled *An Act for the Trial of Actions in a Summary Way.*

Repealed by 6th Geo. 4th, c. 3.

CAP. IV.

An Act in addition to and amendment of an Act made and passed in the Thirty-fifth year of His present Majesty's Reign, intituled *An Act to alter and amend the High Road Laws.*

Expired.

CAP. V.

An Act to amend an Act, made and passed in the Thirty-first year of His present Majesty's Reign, intituled, "*An Act to prevent the running at large of Rams at improper Seasons.*"

This Act suspended for three years, by 1st Will. 4th, c. 10.

WHEREAS by the Provisions of the above mentioned Act, no Penalty is annexed to the neglect of putting up of *Rams*, at the period,

Preamble.

when the same are by the said Act to be kept apart from the Sheep, by which means, many Settlements have greatly suffered in their Stocks, owing to their Ewes yeaning in the inclemency of the winter Season:

And whereas, the time limited by the said Act for the confining of Rams is deemed expedient to be altered:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, and by the authority of the same it is hereby enacted, That every Person in this Island, owning one or more Rams shall cause the same to be put up and confined, *on or before the Fifteenth day of August*, in every year, instead of the *Fifteenth day of July*, as directed by the said Act, under the Penalty of *Twenty Shillings* for every neglect of so doing; to be recovered before any one of His Majesty's Justices of the Peace, in manner provided by the said Act.

Rams to be put up before 15th August,

under Penalty of 20 Shillings.

CAP. VI.

An Act for the better and more effectual Establishment of the Church of England in this Island.

Preamble.

FORASMUCH as His Majesty, upon the Settlement of this Island, was graciously pleased, in His pious concern for the advancement of God's Glory, and the more decent celebration of the *divine Ordinances* amongst us, to grant a Sum of Money for the purpose of erecting *a Church* for religious Worship, according to the usage of the *Church of England*, and which although not appropriated according to His Majesty's Gracious Intention—yet no less Gratitude is due to His Majesty, for His Manifestations of His Gracious Intentions in this behalf—*In humble imitation* of His Royal *example*, and for the more effectual attainment of His Majesty's pious Desires, that we might, in the exercise of Religious Duties, be seeking for the divine favor and protection:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That the sacred Rites and Ceremonies of Divine Worship, *according to the Liturgy of the Church* established by the *Laws of England,* shall be deemed the fixed Form of Worship amongst us; and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of England, as by Law established; and that for the preservation of unity and purity of Doctrine, and discipline in the Church, and the right administration of Sacrament, no Minister shall be admitted to officiate as a Minister of the Church of England, but such as shall produce to the Governor, Lieutenant Governor, or Commander in Chief for the time being, a Testimonial that he hath been duly licensed by the Bishop of London, or by the Bishop of Nova-Scotia; and shall publicly declare his assent and consent to the Book of Common Prayer, and shall subscribe to be conformable to the Orders and Constitution of the Church of England, and the Laws there established; upon which the Governor, Lieutenant Governor, or Commander in Chief for the time being, is hereby requested to induct the said Minister into any Parish that shall make presentation of him. And if any other person pretending himself a Minister of the Church of England shall, contrary to this Act, presume to teach or preach, publicly or privately, the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council, are hereby desired and empowered to suspend and silence the person so offending.

Divine Worship according to Liturgy of the Church, established by the Law of England, shall be the fixed Form of Worship.

Place of Worship called the Church of England.

No Minister to officiate as of the Church of England, but such as have been licensed, &c.

Governor, &c. to induct Minister into any Parish, making Presentation.

Governor, &c. and Council, to suspend and silence pretended Ministers.

Provided nevertheless, and it is the true intent and meaning of this Act, that Protestants dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free Liberty of Conscience, and may erect and build Meeting Houses for Public Worship, and may choose and elect Ministers for performing divine Service and administration of the Sacrament, according to their

Proviso.

several opinions, and according to the Provisions of an Act of the General Assembly of this Island, made and passed in the Thirtieth year of His present Majesty's Reign, intituled *An Act for quieting the Minds of His Majesty's Dissenting Protestant Subjects in the Island of Saint John.*

Anno Quadragesimo Tertio Regis Georgii III.

1803.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Eight Hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Seventh General Assembly convened in the said Island.

EDMUND FANNING, Lt. Governor.

ROBERT THORP, President of Council.

JAMES CURTIS, Speaker.

CAP. I.

An Act for effectually revesting in His Majesty, His Heirs and Successors, all such Lands as are, or may be, liable to Forfeiture within this Island.

This Act has not received the Royal Allowance.

CAP. II.

Expired.

An Act for the better preventing Accidents by Fire, and for appointing Fire Wards in Charlotte-Town, and the Suburbs thereof.

Anno Quadragesimo Sexto Regis Georgii III.

1805.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Twenty-second day of March, Anno Domini One Thousand Eight Hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain, and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation until the Twelfth day of November, One Thousand Eight Hundred and Five, and in the Forty-sixth year of His said Majesty's Reign, being the Second Session of the Seventh General Assembly convened in said Island.

J. F. W. DESBARRES, Lt. Governor.

T. DESBRISAY President of Council.

JAMES CURTIS, Speaker.

CAP. I.

Repealed by 3d Will. 4th, c. 11, s. 4.

An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled, *An Act for the more easy and speedy Recovery of* Small Debts.

CAP. II.

Expired.

An Act for continuing sundry Laws that are near expiring.

Anno Quadragesimo Septimo Regis Georgii III.

1806.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the First day of December, Anno Domini One Thousand Eight Hundred and Six, and in the Forty-seventh year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Eighth General Assembly convened in the said Island.

J. F. W. Desbarres, Lt. Governor.

T. Desbrisay, President of Council.

Robert Hodgson, Speaker.

CAP. I.

An Act to alter and amend an Act, made and passed in the Forty-second year of His present Majesty's Reign, intituled "*An Act in addition to and amendment of an Act made and passed in the Thirty-fifth year of His present Majesty's Reign, intiuled An Act to alter and amend the High-Road Laws.*"

Expired.

CAP. II.

Expired.

An Act for raising a Fund for the purpose of defraying the Contingent Expenses of the General Assembly of this Island.

CAP. III.

For Acts in amendment or addition to this Act, see 11th Geo. 4th, c. 8; 2d Will. 4th, c. 9; and 3d Will. 4th, c. 15.

An Act to repeal an Act, made and passed in the Forty-first year of His present Majesty's Reign, intituled "An Act for the better Regulation of Elections," and to Regulate Elections for Members to serve in General Assembly in future.—(18th Dec. 1806.)

WHEREAS the said Act has been found inadequate to the purposes intended, and it is found necessary, to make further Provisions, for the better Regulation of Elections, in future:

"Act for the better regulation of Elections," hereby Repealed.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this Act, the said Act, intituled "An Act for the better Regulation of Elections," and every Clause, Matter, and Thing, therein contained, be, and the same is hereby Repealed.

Sheriff, &c. after he shall have received Writ of Election, to cause copies to be posted up.

II. *And be it further enacted*, by the authority aforesaid, That the Sheriff of this Island, or his Deputy, for the time being, shall within *Seven Days* after he shall have received His Majesty's Writ, for Electing Members to serve in the General Assemblies thereof, cause a sufficient number of Copies to be made of the said Writ, one whereof he shall cause within the Time aforesaid, to be posted up, at each of the most inhabited Parts or Places of this Island, and upon each, and every of such Copy, or Copies, there shall be fairly and distinctly written, the Time and Place of holding the said Election; which said last mentioned Notice, shall be signed by the said Sheriff or his Deputy, and the said Sheriff or his

Notifying the time and place of holding the Election,

Deputy shall cause the said Election to be holden at such Time, and Place, and in such Manner, as in, and by, the said Writ, shall or may be directed—when and where the Freeholders, Landholders, and Resident Housekeepers, being Protestants, may proceed to Elect the number of Members, being Protestants, resident within the said Island, required by the said Writ to be elected: and the said Sheriff, or his Deputy, shall thereupon make due Return in Writing, upon the back of the said Writ, according to the command thereof, of the Persons who shall have been duly elected Members, by the major part of the Electors present, at such Meeting or Election.

and shall hold the Election accordingly.

This clause suspended for ten years by 11th Geo. 4th, c. 8, s. 8.

III. *And be it further enacted,* That the said Sheriff, or his Deputy, shall cause the Person or Persons so elected, to be duly summoned to attend His Majesty's service, in General Assembly, at the time and place appointed for holding the same; the said Notice to be delivered to the said Persons, so elected respectively, or left at his or their usual place of abode, seven days at least, before the day appointed for holding the said General Assembly, or the day that the same shall or may be prorogued to, for the dispatch of Business.

Sheriff, &c. to cause the persons elected to be summoned to attend in General Assembly,

giving seven days Notice thereof.

IV. *And be it further enacted,* by the authority aforesaid, That every Sheriff, or his Deputy, to whom any Writ for electing a Member or Members, to serve in the General Assembly of this Island, shall be directed, and who shall have published, and given such Notice thereof, as is herein before prescribed and directed, shall on the day, and at the place mentioned in the said Writ, between the hours of *ten* and *twelve,* in the forenoon, proceed to the Election, by reading the said Writ and this Act, and shall not declare the choice upon the view, without the consent of the Candidates, nor by unnecessary adjournment delay the election, but shall if a Poll be required, fairly and indifferently proceed from day to day, and time to time, to take the Poll until all the Electors then and there present, be Polled; and before the Sheriff, or his Deputy, shall close the Poll so opened, unless with the consent of the Candidates, he shall

Sheriff, &c. to proceed to the Election.

Shall not without consent of Candidates declare the choice upon view,

but shall take the Poll if required.

Shall make Proclamation before closing the Poll unless with consent, &c.

Suspended by 11th Geo. 4th, c. 8, s. 8.

make Proclamation for the Freeholders, Landholders, and Resident Housekeepers, being Protestants, to come forward and give their Votes, and if after such Proclamation made, no Freeholders, Landholders, or Resident Housekeepers, being Protestants, shall appear to Vote for the space of *one hour*, the *Poll shall be closed.*

Sheriff, &c. to be sworn.

V. *And be it further enacted,* by the authority aforesaid, That the Sheriff, or his Deputy, shall before proceeding to any Election, take and subscribe before a Magistrate, in presence of Three or more Electors, who, with the Magistrate, shall certify his having taken an Oath, the form of which appears in Schedule Number One, which Oath shall be annexed to the Return of every Writ of Election, under a Penalty of *Fifty Pounds,* upon every Returning Officer refusing or neglecting so to do; and the Sheriff, or his Deputy, shall after reading the said Writ, and before he opens the Poll, appoint two Clerks, to assist in taking the Election, who shall be sworn by the said Sheriff, or his Deputy, according to the Form of Number Two in the said Schedule. And if any Elector be questioned, as to his qualification, by any Candidate, the Sheriff or his Deputy shall administer to him the Oaths of Allegiance, and such other Oaths as are prescribed by Law for Electors in England to take, and shall likewise administer the Oath in Schedule Number Three, or if Quakers the Test or Affirmation, to the same effect. And the Sheriff, or his Deputy, at the close of the Poll, shall declare the Person or Persons having the Majority of Votes, to be duly elected. And in case a Scrutiny shall be demanded in writing, within *Two Hours* after the *closing of the Poll,* the Sheriff, or his Deputy, shall grant the same, and shall with the said Two Clerks, proceed in such Scrutiny, if the party demanding the same, or some person in his behalf, shall persist in his demand, the day following the close of the Poll.

Oath to be annexed to the Return of Writ under penalty of 50*l.*

Sheriff to appoint Two Clerks,

to be sworn.

Elector may be sworn as to his qualification.

Sheriff shall at the close of the Poll declare the persons elected.

Shall grant a scrutiny if required,

and proceed thereon.

Provided always, that no Vote shall be scrutinized, but such Vote or Votes as were excepted to at the time of taking the Vote, and marked as such on the Poll Book; and the Sheriff shall return his proceedings, on such scrutiny, to the House, to be adjudged and determined.

Proviso.

Sheriff to return Proceedings, &c.

VI. *And be it further enacted*, by the authority aforesaid, that the Sheriff, or his Deputy, shall within a reasonable time, after request made to him for that purpose, give a Copy of the Poll, to any Person who shall require the same, on being paid his reasonable Fees.

To give a Copy of the Poll if required.

VII. *And be it further enacted*, by the authority aforesaid, That at any Election for more than one Member, to serve in General Assembly, every Elector shall at the time of his coming to the Poll declare the names of all those persons for whom he gives his Vote, and shall not be allowed to Vote a second time, at the same Election.

Votes, if for more than one Member, to be given at the same time.

VIII. *And be it further enacted*, by the authority aforesaid, That all fraudulent Conveyances of Land, to multiply Votes, or to qualify Voters at Elections, subject to an Agreement to reconvey the same, shall be taken against the Grantors as free and absolute, and all collateral securities, for defeating such Estate, shall be void, and the person making such Conveyance, or Voting by colour thereof, shall forfeit *Ten Pounds*, to any person who shall sue for the same, in any Court of Record, within this Island—*one half* part thereof, to the person, or persons, who shall prosecute the same to effect, and the other moiety for the use of the poor, of the County, or Royalty, concerned in such Election.

Fraudulent Conveyances shall be taken as absolute against the Grantor.

All collateral securities to defeat them, void; Persons making the same or Voting by colour thereof, shall forfeit 10*l*.

Mode of Recovery & application thereof.

IX. *And be it further enacted*, by the authority aforesaid, That the Proclamation and Notice, to be given by the Sheriff of this Island, or his Deputy, by Virtue of any Writ, or Writs, of Election, shall in no case be less than *thirty days* for each County, and *twenty days* for each Royalty, to be computed from the time the same shall be

Proclamation to give 30 days Notice for each County and 20 days for each Royalty.

posted up and made Public, in the several Counties and Royalties in this Island.

Qualifications of Electors to be duly Registered, &c.

This and the two following clauses suspended for ten years by 11th Geo. 4th, c. 8, s. 8.

X. *And be it further enacted*, by the authority aforesaid, That no person shall be entitled to give his Vote, at any such Election, unless such person or persons, shall have been seised, or possessed, of the Title or Qualification on which he Votes, *Six Calendar Months* at least, before the issuing of the Writ or Writs of Election, the said qualifications if in Land, being duly Registered, in the Register's Office, of this Island, at least *three Calendar Months* before the issuing the said Writs of Election.

Qualifications of Electors for Towns and Royalties.

Altered and suspended.

XI. *And be it further enacted*, by the authority aforesaid, That each Elector, for any Town and Royalty in this Island, shall, in order to qualify him to Vote, have been entitled, for the time aforesaid, in his own right, as of Fee, of one Town Lot, or one Pasture Lot, at least within such Royalty, and the same shall not extend or entitle him to Vote for the County, but that any Resident Housekeeper, having dwelt for the time aforesaid, in any Town or Royalty, may give his Vote at the Election, for any Member or Members, to represent the same in General Assembly.

Qualifications of Electors for Counties.

Altered and suspended.

XII. *And be it further enacted*, by the authority aforesaid, That no Person shall be admitted to Vote at any County Election, unless he has a Freehold Estate, of the value of *Twenty Shillings* per annum; or a Leasehold Estate, at the yearly Rent of *Forty Shillings*, or be a resident Housekeeper, for the Time aforesaid, of Tenements and Premises, of the yearly value of *Three Pounds*.

Qualifications of persons Elected.

XIII. *And be it further enacted*, That no person shall be capable of being elected a Member for any Town and Royalty, or any County, in this Island, unless he shall have been in the *seisin* or *possession* of a Freehold, or Personal Estate, in some part of this Island, of the value of *Fifty Pounds*, Twelve Months prior to the Day of Election, and shall, before he be admitted to take his Seat in the House of Assembly, take the usual

Oaths, and subscribe the Declaration appointed by Law, and also the Oath in Schedule Number Four.

XIV. *And be it further enacted*, by the authority aforesaid, That in case any Sheriff, or his Deputy, to whom the Execution of any Writ for the electing any Member or Members to serve in the General Assembly of this Island shall be directed, shall return any person or persons not duly elected by the Majority of the Electors, every such Officer shall forfeit the sum of *One Hundred Pounds*, to be recovered and applied in manner herein after mentioned; or if the said Sheriff or his Deputy shall otherwise do, or cause to be done, or neglect to do, or cause to be done, any other matter or thing, contrary to the directions of this Act, he shall forfeit the sum of *Twenty Pounds*, to be recovered and applied in manner herein after directed.

Penalty for making false return,

or for acting contrary to the directions of this Act.

XV. *And be it further enacted*, by the authority aforesaid, That any person or persons who shall bribe or corrupt any Voter or Voters, at any Election within this Island, such person or persons so offending shall suffer all the Penalties prescribed by the Laws of England for such offences.

Punishment of Bribery, &c.

XVI. *And be it further enacted*, by the authority aforesaid, That every Assembly hereafter to be called for this Island, shall continue for the space of *seven years*, from the day of the Return of the Writs for calling the same, and no longer; subject nevertheless, to be sooner prorogued, or dissolved, by the Governor, Lieutenant Governor, or Commander in Chief of the said Island, for the time being.

Assembly to continue for seven years,

subject to be prorogued or dissolved.

See Act 3d Will. 4th, c. 15.

XVII. *And be it further enacted by the authority aforesaid*, That nothing contained in this Act shall extend, or be construed to extend, to prevent or exclude any person (other than the High Sheriff of this Island,) who shall be nominated and appointed a Returning Officer, from being elected a Member of the Assembly, for any County or Royalty, other than the County or Royalty for

Returning Officer for one County or Royalty may be Elected in another.

which such person shall have been nominated and appointed Returning Officer.

Allowance to Returning Officer.

XVIII. *And be it further enacted*, by the authority aforesaid, That every Returning Officer shall be paid at the rate of *Ten Shillings*, for every day he shall have kept open Poll, and shall, moreover, be reimbursed his travelling and other unavoidable expenses, which he shall be put to in the execution of his Office; and for such payment and reimbursement, he shall make application to the Lieutenant Governor, or Commander in Chief for the time being, who is hereby authorized, by and with the advice and consent of His Majesty's Council, to grant a Warrant, directed to the Treasurer, for payment of the same.

Absent Candidates may be represented.

XIX. *And be it further enacted*, by the authority aforesaid, That any Elector, present at any Election, may declare himself the Representative of any Candidate who is an actual Settler and Inhabitant of this Island; but who at the time of such Election may happen to be absent from the same, without any special power to that effect.

Returning Officer to execute an Indenture at the close of the Election,

one part whereof together with Oaths, &c. to be transmitted to Secretary's Office.

XX. *And be it further enacted*, by the authority aforesaid, That the Returning Officer, at the close of the Election, shall immediately execute an Act, or Instrument of Indenture thereof, under his Hand and Seal, agreeable to the Form Number Five, in the Schedule annexed, one part of which Act, or Indenture, shall be immediately delivered to each of the persons elected, or his Representative, and another part with the Writ of Election. —The Oath of the Returning Officer, and that of his Clerks, required by this Act, shall be transmitted by the said Returning Officer to the Secretary's Office of this Island.

Penalty on Returning Officer influencing Election.

XXI. *And be it further enacted*, by the authority aforesaid, That no Returning Officer shall take any part either before or during any Election by him held, by voting, favoring, or influencing, or causing to be favoured or influenced, the interest of any particular Candidate, under pain of incurring a penalty of the sum of *Fifty Pounds*.

XXII. *And be it further enacted*, by the authority aforesaid, That in case of any vacancy happening in the Assembly, by the death of any Member thereof, or by his being called up to His Majesty's Council, or resigning his seat on his final removal from his Island, on information thereof being given to the Speaker, by any Member rising in his place; or if such vacancy happen during any Recess of the Assembly, by Prorogation or Adjournment, on information thereof being given to the Speaker for the time being, under the hands and seals of any two Members of the Assembly, it shall be the duty of the Speaker to report the same immediately to the Governor, Lieutenant Governor, or Commander in Chief of this Island, for the time being, who is hereby empowered and required, within *Six Days* after such Report, to issue a new Writ for the Election of a Member of Assembly, to fill up such vacancy.

In case of vacancy, Speaker, on information thereof, to report the same to Governor, &c.

who is empowered to issue a new Writ to fill up the same.

XXIII. *And be it further enacted*, by the authority aforesaid, That within *Twenty Days* after an Election is finished, the Returning Officer shall, and he is hereby required, to deliver into the Secretary's Office of this Island, all the Poll Books of the Election, in order that recourse may be had to the same at any time when required.

Poll Books to be delivered into Secretary's Office.

XXIV. *And be it further enacted*, by the authority aforesaid, That the Members of His Majesty's Council shall not be entitled to Vote at Elections; neither is any Vote to be received from persons under the age of Twenty-one years.

Members of Council not entitled to Vote, nor Infants.

XXV. *And be it further enacted*, by the authority aforesaid, That the Fines and Forfeitures incurred by this Act, shall be recovered by Bill, Plaint, or Information, or by Action of Debt, in any Court of Record, by any person suing for the same, and that one half of every such Fine or Penalty shall be paid to the Commissioners of Roads, and to be applied and laid out in making and repairing the Public Roads in the County or Royalty concerned in such Election; the other half to the Informer, suing for the same, with the Costs

Fines and Forfeitures how to be recovered and applied.

Proviso.

incurred in the Prosecution thereof, to be by him received for his own use and benefit. *Provided always*, that if any Suit or Action be brought against any Person or Persons, for any Penalty by this Act imposed, such suit or action shall be commenced within *Six Months* next after the offence shall be committed, and not afterwards.

Preamble

XXVI. *And whereas* from the extent of the several Counties in this Island, and from the unimproved state of the Roads, it is extremely difficult for the Electors of such Counties to meet and assemble, at any one fixed and given place, for the purpose of electing Members to serve in General Assembly:

Sheriff, &c. on application may adjourn Poll.

Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful, (on application of either of the Candidates) on the day the Poll is first opened, for every Sheriff, or his Deputy, to whom any Writ for electing a Member or Members for any County within this Island, shall be directed, after having opened the Poll at the County Court House, if demanded, and having received the votes of the Electors of such County, in manner herein before directed, to remove and adjourn the Poll (held as aforesaid) to the respective places following: that is to say, in the County of King's County, on application as aforesaid, the Poll to be adjourned at the Court House at Georgetown to the settlement at Saint Peter's; in the County of Queen's County, (on application as aforesaid) the Poll to be adjourned at the Court House at Charlottte-Town, to Chiney Point, opposite to Orwell Ferry; and in the County of Prince County, (on application as aforesaid) the Poll to be adjourned at the Court House at Princetown, to the Settlement called Bedeque, on the South side of Dunk River.

This and the following clause suspended for ten years by 11th Geo. 4th, c. 8, s. 8.

Application for adjournment to be made the day the Poll is opened.

XXVII. *And be it further enacted*, by the authority aforesaid, That the application aforesaid, for removal or adjournment of the Poll, shall be made the day on which the same is opened, at the County Court House: and that the Sheriff, or his

Deputy, as aforesaid, shall, on such application, duly made, forthwith notify the Electors of the County of the said adjournment, by setting up Advertisements at the County Court House where the Poll is then held, and at two of the most Public places in the District to which the Poll is to be adjourned, that he will on the seventh day next after the opening the Poll at the County Court House, continue the same at the place within the District to which it is adjourned, and then and there proceed to take the Poll.

Sheriff, &c. to notify Electors thereof.

Suspended.

XXVIII. *And be it further enacted*, by the authority aforesaid, That the Poll for any one Election shall not be kept open at the place where begun more than *three days*, nor at the place to which it may be adjourned, more than *two days*, after which time it shall and may be lawful for the Sheriff, or his Deputy, to close it, and return the Candidate who shall then have the Majority of Votes.

How long the Poll to be kept open.

Provided, That nothing in this Act contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

Suspending Clause.

His Majesty's Assent to this Act was signified, 26 Aug. 1807.

SCHEDULE.

(No. 1.)

I A. B. Returning Officer for the County or Royalty of do solemnly swear, that I have not, directly or indirectly, received any sum or sums of Money, Office, Place, or Employment, Gift, Gratuity, or Reward, or any Bond, Bill, or Note; or any Promise or Gratuity whatsoever, either by myself, or any person to my use, or benefit, or advantage, for favouring the Election of any particular person or persons, or making, or endeavouring to make, the Return of any particular person or persons, at the present Election of a Member, or Members, to serve in the Assembly of Prince Edward Island; and that I will proceed, in taking the Votes of the Electors, and will make Return of such person and persons, as shall appear to me to have the Majority of Legal Votes; and this I solemnly swear to do, without partiality, fear, favour, ill-will, or affection:

So Help me God.

Oath of Returning Officer.

(No. 2.)

Oath to be taken by Poll Clerks.

Form of Oath to be taken by Poll Clerks. Altered by 11th Geo. 4th, c. 8, s. 12.

I A. B. do solemnly swear, that I will at this ensuing Election of a Member or Members to serve in Assembly, for the (County or Royalty,) of truly and indifferently take the Poll, and set down the name of each Voter, and for whom he shall Poll and give his Vote; that I will not enter on the Poll Books the name or vote of any Person, but such as are qualified by an Act of the General Acssembly of this Island, made in the Forty-seventh year of His present Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled "An Act for the better regulation of Elections," and to regulate Elections for Members to serve in General Assembly in future*, and that I will, truly, enter all and every Vote upon the Poll Books, without partiality, fear, favour, or affection.

So help me God.

No. 3.

Form of Elector's Oath.

Elector's Oath. Altered by 11th Geo. 4th, c. 8, s. 10.

I do swear, that I verily believe I am by Law intitled to a Vote in the Town or County) of in the Island Prince Edward; and that the Title on which I claim a right to vote, consists of (here are to be inserted the particulars) and are situate lying and being in (here insert the particular place,) and that I have been in possession thereof for six months, now last past; and the same hath not been made, or granted to me fraudulently, on purpose to qualify me to give my Vote: and that I have not received, or had, by myself, or any person whatever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of Money, Office, Place, or Employment, Gift or Reward, or any promise or security for any Money,

Office, Employment or Gift, in order to give my Vote at this Election; and that I have not before been polled at this Election; and that the place of my abode is at and that I am of the age of Twenty-one years and upwards, as I verily believe.

So help me God.

(No. 4.)

Form of the Oath of the Elected.

I A. B. do swear, that I truly and *bona fide* have such a Freehold, or Personal Estate, in Law or Equity, in this Island, to and for my own use and benefit, (over and above what will satisfy and clear all encumbrances that may affect the same,) of the value of 50*l.*, as doth qualify me to be elected, and returned to serve as a Member for the of according to the Tenor and true meaning of the Act of the General Assembly of this Island, in such case (lately) made and provided.

Oath to be taken by the Elected. Altered by 11th Geo. 4th, c. 8, s. 13.

(No. 5.)

Form of an Indenture.

THIS Indenture made the day of in the year of our Lord, One Thousand Eight Hundred and and in the year of the Reign of our Sovereign Lord George the Third, King, of the United Kingdom of Great Britain, and Ireland, &c. BETWEEN Returning Officer of the County or Royalty of in Prince Edward Island, of the one part, and A. B. C. D. of the other part, *Witnesseth*, that agreeable to His Majesty's Writ, bearing date the day of (the past or current month,) after Proclamation thereof being made, according to Law, we the said A. B. C. D. &c. Electors of the said County or Royalty, (in such place) in the said County or Royalty in full Assembly, have chosen F. G. as a Member, (or Members) to serve for the said County or Royalty, in the As-

Indenture:

sembly of this Island, to be held the day of next, at Charlotte-town; and by these presents, we have and do give to the said F. G. ample and sufficient power, for us, and the Electors of the said County or Royalty, distinct from us to make, and consent to such matters, as in the said Assembly of the said Island shall be by favour of God ordained. *In Witness* whereof each of the said parties have interchangeably set their hands and seals to these Presents, the day and year above written.

Anno Quadragesimo Octavo Regis Georgii III.

1808.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the First day of December, Anno Domini One Thousand Eight Hundred and Six, and in the Forty-seventh year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. and thence continued by Prorogation until the Eighth day of March, One Thousand Eight Hundred and Eight, and in the Forty-eighth year of His said Majesty's Reign, being the Second Session of the Eighth General Assembly convened in the said Island.

J.F.W Desbarres, Lt. Governor.

Cæsar Colclough, President

Robert Hodgson, Speaker.

CAP. I.

Expired.

An Act appointing and empowering Philip Codd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward.

CAP. II.

Act 26th Geo. 3d, c. 15.

An Act to amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island: also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown*—and to indemnify Persons claiming under Deeds executed by the Deputy or Under Sheriff of this Island.

Preamble.

WHEREAS the Fine imposed by the said Act on persons refusing to accept the Office of High Sheriff for this Island, hath been found too small and inconsiderable:

Persons appointed to Office of Sheriff shall for refusal to Act, pay a Fine of 20*l.* instead of Penalty in former Act.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing of this Act, any Person or Persons who shall have been appointed to execute the said Office of High Sheriff, and shall refuse to accept the same, in terms of the said Act, shall be subject to and pay a *Fine of Twenty Pounds*, of lawful money of this Island, instead of the Fine therein mentioned for such his refusal; the same to be recovered and applied in manner therein directed, with respect to the Fine thereby imposed for such refusal.

To be recovered and applied as before directed.

II. *And whereas* a practice has long prevailed, of returning Writs, executing Deeds of Conveyance of Lands, and doing such other Matters and Things as relate to the Office of High Sheriff of this Island, in the name and as the Act and Deed of the Deputy or Under Sheriff by him appointed, contrary to the established Law and Practice of England: In order therefore to prevent those disputes which might otherwise arise, with respect to the validity of such Acts, to the injury of *bona fide* purchasers, and those claiming under them:

Preamble.

Be it further enacted, by the authority aforesaid, that all Returns of Writs heretofore made, and all Acts and Deeds heretofore done and executed, by and in the name of any Deputy or Under Sheriff of this Island, shall have the like force and effect as though the same had been made, done, and executed in the name of his Principal, any Law, Custom, or Usage to the contrary notwithstanding.

All Returns of Writs, and all Acts and Deeds heretofore done in name of Under Sheriff confirmed.

III. *And be it further enacted*, by the authority aforesaid, That from and after the passing of this Act, all Returns of Writs, Execution of Deeds, and all other Matters and Things whatsoever, appertaining to the Office of High Sheriff of this Island, shall be made, done, and executed, in the name, and as the Act and Deed of such Sheriff for the time being; and that all Returns of Writs, Execution of Deeds, and all other Matters and Things relating to such Office, and which shall be made, done, and executed, by and in the name of any Person or Persons, by colour of any deputation or appointment to the Office of Under Sheriff, shall be deemed and considered null and void, to all intents and purposes; and all and every Person and Persons taking advantage thereof, may give this Act and the matter herein contained, in Evidence in any of His Majesty's Courts of Law or Equity in this Island.

All Returns of Writs, Execution of Deeds, &c. hereafter to be made in name of the High Sheriff,

and all returns of Writs, Execution of Deeds, &c. in the name of a Deputy or Under Sheriff, to be deemed void.

CAP. III.

An Act for repealing An Act, intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.

Altered and amended by 2d Will. 4th, c. 6.

Preamble.

WHEREAS the Provisions of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled, *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, have been found inadequate to the purposes for which the same was enacted, and it is otherwise become necessary that more general regulations should be made, to preserve the Navigation of the Harbours and Rivers in this Island:

Repealing Clause.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That immediately from and after the passing of this Act, the said Act: intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, and every part and clause thereof, shall be, and the same is hereby repealed.

Preamble.

II. *And Whereas* it is found necessary that Ballast Masters should be appointed for the several Harbours, and Navigable Rivers, in this Island:

Governor, &c. to appoint Ballast Master for the different Harbours and Rivers in this Island.

Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief of this Island for the time being, at any time after the passing of this Act, to nominate and appoint one fit and proper person, to act as Ballast Master, for each of the following Harbours and Rivers in this Island, that is to say—Charlotte-Town, Three Rivers and Richmond Bay, and at such other Harbours or Rivers in this Island, as the Governor, Lieutenant Governor, or Commander in Chief for the time being, may think fit; each of which said Ballast Masters so to be appointed as

aforesaid, shall, before he enters on the duties of his said Office, take the following Oath, before any one of His Majesty's Justices of the Peace in this Island, that is to say;

Ballast Master to be sworn.

"I do swear, that I will well and truly perform the Duty of Ballast "Master for the District to which I am appointed, "to the best of my skill and judgment, without "favour or affection, according to the directions of "the Act of the General Assembly of this Island, "in such case made and provided.—

Form of Oath

"So help me God."

III. *And be it further enacted*, by the authority aforesaid, That from and after the First day of May next, no Master or Masters, Owner or Owners, of any Ship, Boat, or other Vessel, nor any other person whatsoever, shall cast or unload the *Stones*, *Gravel*, or other *Ballast*, which they may have on board, at or in any of the Rivers, Creeks, Ports, Havens, or Harbours of this Island, but on the Land, above high water mark, or a league from shore, or in such other place as the Ballast Master of such Harbour or River, wherein such Ship or Vessel shall or may arrive, shall direct and appoint, upon pain that all such Owners or Masters of Ships, Boats, or other Vessels, so casting or laying such Gravel, Stones, or other Ballast, or permitting the same to be cast or laid in any River, Creek, or Harbour of this Island, shall forfeit for every such offence the sum of *Fifty Pounds*, of Sterling Money: one half part thereof to be applied towards the building or repairing of Wharves, in the Harbour or River wherein the penalty shall be incurred, and the other half to be paid to the said Ballast Master of such Harbour or River as aforesaid, and to be recovered in any Court of Record within this Island, by action of Debt, Bill, Plaint or Information, and wherein no Essoin, Protection, or Wager of Law, shall be allowed; in which Action or Suit, the Defendant or Defendants may be held to special Bail, on an Affidavit being duly made and filed of the cause of Action.

No Master or Owner of Ship, &c. to unload Ballast into any River or Creek, &c.

but on Land or a league from shore, or as directed by Ballast Master.

Every Master and Owner not complying with this Act.

shall forfeit 50*l.*

Application of Fine.

Mode of recovery of same.

Ballast Master to go on board all Vessels on their arrival.

IV. *And be it further enacted*, by the authority aforesaid, That every Ballast Master so to be appointed as aforesaid, shall, as soon as conveniently may be, after the arrival of any Ship or Vessel in the Harbour, or River, to which he shall be appointed, go on board the same, and inform the Master or Owner, or other person having charge or command thereof, of the Provisions of this Act, and shall diligently attend to the delivery of the Ballast from on board the same, and shall not knowingly permit the same, or any part thereof, to be cast into the water where navigable, but shall direct and, to the best of his power, cause all such Ballast to be brought and laid on shore, at some convenient place or places, where it may not obstruct Navigation, nor be washed into the channel; and in case any Master, Owner, or other person having such charge or command as aforesaid, shall offend against the provisions of this Act, the said Ballast Master shall, and he is hereby required, without delay, to prosecute for the same.

shall attend to the delivery of the Ballast at proper places on shore.

Ballast Master shall prosecute for offences committed against this Act.

Persons appointed Ballast Master and refusing to serve, shall signify his refusal within twenty days after notice of appointment.

V. *And be it further enacted*, by the authority aforesaid, That in case any person or persons, to be appointed Ballast Master by Virtue of this Act, shall refuse to accept the said Office, each of such persons shall signify such his refusal to the Clerk of His Majesty's Council, within *Twenty Days* next after he shall have been duly notified of such appointment; or in default thereof, shall forfeit and pay the sum of *Five Pounds*, of lawful Sterling Money; and any person having accepted the said Office, and who shall fail to do his duty, according to the directions of this Act, shall forfeit and pay for each and every Offence, the sum of *Fifty Pounds*, of lawful Sterling Money; the said Penalties, and each of them, to be recovered in any Court of Record within this Island, by action of Debt, Bill, Plaint, or Information, and wherein no Essoin, Protection, or Wager of Law, shall be allowed—one half part thereof to be applied towards the building and repairing of Wharves, in the Harbour or River wherein the Penalty shall be incurred, and the other half part

In default thereof shall pay a Fine of 5*l*.

Ballast Master subject to a penalty of 50*l*. for neglect of duty.

Mode of recovery and application of Penalties.

thereof to be paid to him, her, or them, who shall or may prosecute and sue for the same.

VI. *And be it further enacted*, by the authority aforesaid, That every Ballast Master shall be paid by the Master, Owner, or other Person having charge or command of any Ship or Vessel, which shall unlade Ballast as aforesaid, at the rate of *Ten Shillings*, Currency, for each day he shall be employed in attending such Ship or Vessel, and discharging the duty enjoined on him by this Act.

Allowance to Ballast Master.

CAP. IV.

An Act to alter and amend an Act, made and passed in the Thirtieth year of His present Majesty's Reign, intituled *An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges, for the making and repairing the High-Ways, Roads and Bridges of the said Island.*

It does not appear that this Act has received the Royal Allowance.

CAP. V.

An Act to revive two several Acts of the General Assembly, of this Island, that have lately expired.

Expired.

CAP. VI.

An Act for raising a Fund, for defraying the Expense of Printing the Laws of this Island, and for other purposes therein mentioned.

Expired.

CAP. VII.

An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town.

Expired. See Note to 52d Geo. 3d, c. 6.

Preamble.

WHEREAS the want of an established fund to make and keep in repair the public Pumps, Wells and Streets of Charlotte-Town, has subjected the Inhabitants thereof to many inconveniences, and tends greatly to impede the progress of the Town.

Appointment of Collector, and of Overseers.

I. *Be it therefore enacted*, That the Honorable Robert Gray shall and he is hereby appointed Collector of all such Sum and Sums of Money which shall be assessed on the Inhabitants of Charlotte-Town by virtue of this Act; and that John Cambridge, Ralph Brecken and John Frederick Holland Esquires shall be and they are hereby appointed Overseers of the public Pumps, Wells and Streets of the said Town, during the continuance of this Act.

Duty of Overseers.

II. *And be it further enacted*, that the said Overseers shall, and they are hereby authorized and required, to cause such Improvements to be made in the said Town, by sinking Wells, procuring Pumps, repairing others, and the Streets and Shores thereof, and also procuring a Fire Engine, as they in their discretion shall think necessary; and shall render an account of the expenditure of all monies received by them in pursuance of this Act, together with proper vouchers in support thereof, to the Chief Justice and Justices of His Majesty's Supreme Court of Judicature, at the Hilary Term thereof, in every year—and any Overseer offending herein shall incur a penalty of *Ten Pounds*, to be recovered and applied as herein after mentioned.

Penalty for Neglect.

Overseers to cause obstructions to be removed,

III. *And be it further enacted*, that the said Overseers, and each of them, are hereby empowered to cause all obstructions in the Streets

of the said Town to be removed, at the expense of the party offending, and to present all nuisances to the said Supreme Court of Judicature, to be proceeded against according to the Laws of England and this Island, in such cases made and provided.

and to prevent nuisances.

IV. *And be it further enacted,* that in order to enable the said Overseers to carry the provisions of this Act into Execution, the said Collector is hereby authorized and directed, from time to time as he shall be required, to supply the said Overseers, or either of them, with Money, taking his or their Receipt for the same; and if any Overplus shall remain in the hands of the said Collector out of the Monies arising by Virtue of this Act, the same shall continue in the hands of the said Collector, and be accounted for at the next Session of the General Assembly.

Collector to supply Overseers with money.

If any overplus, how to be accounted for.

V. *And be it further enacted,* that the said Collector shall be allowed at and after the rate of Ten per cent on the receipt and payment of all monies raised by virtue of this Act.

Allowance to Collector.

VI. *And be it further enacted,* that for the purposes aforesaid there shall be paid by the owner, or owners of each and every Lot in the said Town, the sum of Three Shillings yearly, during the continuance of this Act: And in order to ascertain the number of Lots which shall be granted, the Provincial Register is hereby required to cause a correct Return of the same to be made, and delivered to the Collector appointed by this Act, on or before the first day of May annually; and the said Collector shall, within Eight Days thereafter, cause three Copies of the said Return, with an Advertisement prefixed to each, to be posted up at the most public places in the said Town—warning the Owners of the said Lots, or some person or persons for them, to pay, or cause to be paid, the said Sum assessed by this Act on each of the said Lots, at his Office, within Thirty Days from the Date thereof—and if the said assessment shall not be paid agreeable to the said

Annual Assessment on Town Lots.

Number of Lots how to be ascertained.

Collector to advertise warning Owners, &c. to pay Assessment.

If Assessment not paid within ten days.

Collector to advertise again,

Notifying that said Lots will be proceeded against to Judgment.

notice, the said Collector is hereby required, within Ten Days after the expiration of the aforesaid notice, to cause another Advertisement to be posted and published, notifying the Owners of all such Lots as shall then be in arrear, that if the said assessment shall not be paid on or before the last Day of Trinity Term next following, application will be made to the said Supreme Court of Judicature, at the next Term thereof, for Judgment against the said Lot or Lots so in arrear together with Costs: And in case the said Assessment shall not be paid agreeable to the said notice, the said Supreme Court, on application by the said Collector, and on proof being made to the satisfaction of the said Court, that the said Advertisements and Notices had been duly posted and made, and also what sums were then due on the said Lots respectively, shall, and they are hereby authorized and directed to give judgment against such Lots for the sums so due thereon and in arrear, together with reasonable Costs—and thereupon a Writ of *Fieri Facias* shall or may be sued out for such Sum and Costs, directed to the Sheriff, or Coroner, and returnable within a reasonable time into the said Court.

If Assessment not paid, Supreme Court on application, &c. to give Judgment,

And award Fieri Facias.

Sheriff, &c. on receipt of Writ to attach Lots and give Notice of Sale thereof.

Time limited.

Notices to be posted as before.

Sheriff, &c. to proceed to Sale.

VII. *And be it further enacted*, that the Sheriff or Coroner, on receipt of such Writ, shall attach such Lots, and give notice that he will proceed to the Sale thereof on a day therein to be mentioned—the time limited therein not to be less than Sixty, nor more than Ninety days, from the date thereof, and such Notices shall be posted in like manner as the advertisements herein before directed; and thereupon the said Sheriff or Coroner shall proceed to sell the said Lots, one after the other, on the day fixed upon and limited for that purpose, at public sale or Vendue, in Charlotte-Town, wherein the best or highest Bidder shall be deemed the purchaser of such Lot or Lots, and upon payment of the purchase money, which shall be within Ten Days after such Sale, the Sheriff or Coroner, as aforesaid, shall execute proper and

and on receipt of purchase money to Execute Deed

absolute Deeds of Conveyance therefor, which Deeds shall be good and valid, to all intents and purposes, for conveying the same to the respective purchasers, their Heirs and Assigns, for ever.

of Conveyance to purchaser.

Provided, nevertheless, that the Sheriff or Coroner, as aforesaid shall not proceed to sell any Lot or Lots upon which there shall be any Goods or Chattels to satisfy the Execution against them respectively: and provided also, that if the Proprietors of such Lots attached as aforesaid, or any person in their behalf, shall at any time before the said Sale, pay and discharge the sum so in arrear, together with Costs and Expenses incurred to that time, the Sale of such Lot or Lots shall not be proceeded in, but the same shall be wholly freed and discharged from the judgment so rendered against them, any thing herein contained to the contrary notwithstanding.

Proviso.

In case sufficient Goods to satisfy Execution, Lots not to be Sold.

Lots to be free if Assessment with Costs be paid before Sale.

VIII. *And be it further enacted*, that the Sheriff or Coroner shall, within Ten Days after the Receipt of the Purchase Money of such Lots, pay into the hands of the Collector to be appointed by virtue of this Act, the Balance of such Purchase Money, after deducting such Costs and Charges of proceedings and Sales as shall be taxed and allowed by the said Supreme Court.

Sheriff, &c. to pay to Collector purchase monies after deducting Costs, &c.

IX. *And be it further enacted*, that upon receipt of the Balance of such Purchase Money, the said Collector shall thereupon deduct therefrom, and charge himself with, so much thereof as shall or may discharge the sums due and in arrear upon such Lots; and shall pay the surplus, if any there be, to the late Owner or Proprietor's thereof, his or their Heirs or Assigns, or to any person or persons lawfully authorized to receive the same, upon the same being demanded, without any further charge or deduction whatever.

Collector, on receipt thereof, to deduct sums due on Lots, and to pay overplus if any to late owners.

X. *And be it further enacted*, That if the said Collector, Sheriff, or Coroner shall neglect to comply with the Directions contained in this Act, in respect to the posting the said Advertisements, making and giving Notice of Sales as aforesaid, he

Penalty on Collector, Sheriff, &c. for neglect of duty.

or they shall forfeit and incur a penalty of Twenty Pounds each for every neglect.

Collector to make up his Accounts on Oath annually,

XI. *And be it further enacted*, that the said Collector shall make up his Accounts upon Oath of all his Receipts and Payments, at the sitting of His Majesty's said Supreme Court of Judicature, at the Hilary Term thereof in every year, and the same shall be filed in the Clerk's Office of the said Court—and if any Collector shall offend herein, or neglect to make up his Accounts as aforesaid, he shall forever be incapable to serve as Collector again, and also incur a penalty of Twenty Pounds.

same to be filed in Court.

Penalty on neglect.

Mode of recovery and application of Penalties.

XII. *And be it further enacted*, That all Penalties and Forfeitures incurred by the operation of this Act, shall or may be recovered by Bill, Plaint or Information in His Majesty's Supreme Court of Judicature, and shall be applied to and for the purpose of further improving the Pumps, Wells, Streets and Shores of the said Town, and repairs of Engine.

In case of death, &c. of Collector or Overseers.

XIII. *And be it further enacted*, that in case of the Death, Absence, or other incapacity of the said Collector or any of the said Overseers, it shall and may be lawful to and for His Majesty's Chief Justice, or in his absence, the eldest Justice of the said Supreme Court, to appoint one or more fit and proper persons to fill any vacancy that may happen.

Chief Justice, &c. to fill vacancy.

Act to be in force for three years.

XIV. *And be it further enacted*, that this Act shall continue and be in force for and during the space of three years, from and after the passing thereof, and no longer.

CAP. VIII.

Expired.

An Act to revive two certain Acts of the General Assembly of this Island, that have lately expired.

Anno Quadragesimo Nono Regis Georgii III.

1809.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the First day of December, Anno Domini One Thousand Eight Hundred and Six, and in the Forty-seventh year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. and thence continued by Prorogation until the Twentieth day of March, One Thousand Eight Hundred and Nine, and in the Forty-ninth year of His said Majesty's Reign, being the Third Session of the Eighth General Assembly convened in the said Island.

J. F. W. DESBARRES, Lt. Governor.

CÆSAR COLCLOUGH, President.

ROBERT HODGSON, Speaker.

CAP. I.

An Act for establishing a Meridional Line, to regulate Surveyors in this Colony.

Preamble.

WHEREAS it is highly necessary to promote accuracy in Surveying the Lands of this Colony, that a Meridional Line should be established by Astronomical Observation:

Governor, &c. to appoint Commissioners for establishing a Meridional Line.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief of this Colony for the time being, to nominate and appoint Three Commissioners, (of whom His Majesty's Surveyor General of Lands in this Colony shall be one,) for the purpose of establishing a Meridional Line, in manner herein after directed, that is to say, that a Meridional Line, by Astronomical Observation, shall be properly drawn and ascertained, by correctly fixing *Three Stones*, of such sufficient height and dimensions as will admit a full view from the most Northerly stone of the two others in the said Line, which Stones to have the Line accurately marked thereon, together with the Variation, and Year in which the same was done; the said Meridional Line to be fixed in the most convenient place in or near Charlotte-Town, by the said Commissioners, within *Six Months* after the passing of this Act, and by which all Surveyors shall regulate and rectify their several Instruments once in every year at least, and in the presence of the Surveyor General, or of some person by him duly authorized for that purpose, or of one or more of the said Commissioners.

Line how to be ascertained.

Surveyors to regulate their Instruments by it.

And all and every Surveyor of Lands is and are hereby required to demand and obtain from the said Surveyor General, or person authorized as aforesaid, or from one or more of the said Commissioners, a Certificate, that the several Instruments of such Surveyor, or Surveyors, to be used and employed in Surveying, are good and suffi-

Surveyors to obtain Certificates of the sufficiency of their Instruments.

cient; and in the Certificate so to be granted, shall be set down and expressed the Variation, found at the period of making such Certificate so to be granted, which the Surveyor General, or some one or more of the said Commissioners, is and are hereby authorized to do.

Variation to be expressed in the Certificate.

II. *And be it enacted*, by the authority aforesaid, That the Expense of establishing and ascertaining a Meridional Line, in manner before directed, shall be borne and paid out of the Treasury of this Colony; and that the Governor, Lieutenant Governor, or Commander in Chief of this Colony, for the time being, by and with the advice of His Majesty's Council, shall have power to draw Warrants on the Treasurer of this Island for the time being; for the amount of the aforesaid purposes.

Expense of fixing Meridional Line, how to be defrayed.

CAP. II.

An Act to repeal an Act, intituled, "*An Act in addition to and amendment of an Act made and passed in the Thirty-fifth year of His present Majesty's Reign, intituled, An Act to alter and amend the High-Road Laws.*

Executed.

CAP. III.

An Act for allowing a further Drawback on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and a Drawback on Porter, Ale, and Strong Beer, Sugar, and Tobacco, to be exported from this Island.

Altered by 52d of Geo. 3d, c. 4.

CAP. IV.

Repealed and re-enacted by 3d Will. 4th, c. 10.

An Act appointing the recording of Letters or Powers of Attorney, in such Cases as are therein mentioned.

Preamble.

WHEREAS by the Statutes of this Colony, all Deeds of Sale, Conveyances and Mortgages, and Leases of longer duration than Ten Years, are required to be Registered in the Register Office of this Island; and although many of such Deeds and Conveyances are made and executed by Persons duly authorised and empowered, by Letter of Attorney for that purpose, for, and in the name, and as the Act and Deed of absent Proprietors, and Persons interested therein, yet no such Powers or Authorities have hitherto been required to be Registered in like manner:

Powers of Attorney authorising the execution of Conveyances or Leases of Lands to be Registered.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the passing of this Act, all Powers and Letters of Attorney, under or by virtue of which any Deeds of Sale, Conveyances, Mortgages or Leases, (or the counter parts thereof) of any Lands, Hereditaments or Premises, in this Island, shall be made and executed, shall be duly recorded, at length, in the Register Office—and that no Deed or Instrument, purporting to be executed in such manner as is before mentioned, shall have any force or effect until such Power or Letter of Attorney shall have been first duly registered.

CAP. V.

Expired.

An Act for continuing sundry Laws that are near expiring.

C A P. VI.

An Act for repealing certain parts of an Act made and passed in the Fourteenth year of His present Majesty's Reign, intituled, *An Act for regulating the Measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same*; and for declaring what shall be deemed Merchantable Timber for Exportation.

Expired.

C A P. VII.

An Act to repeal an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled *An Act to enable the Governor, or other Commander in Chief, to Lease out certain parts of the Common of Charlotte-Town, Rent free, for the space of Ten Years.*

Executed.

C A P. VIII.

An Act to confirm the Titles, and quiet the Possessions and Locations, in this Colony, of the American Loyal Emigrants, and Disbanded Troops.

This Act was passed with a suspending clause, and has not received His Majesty's Allowance.

CAP. IX.

An Act for raising the sum of Sixteen Hundred Pounds, for the purpose of erecting Buildings, for the meeting of the General Assembly, the Supreme Court, and its Offices, and other Public Offices, in Charlotte-Town, and for Building two Gaols, viz. one in Prince County, and one in King's County, in this Island.

Preamble.

WHEREAS it is essential to to the dignity and honour of His Majesty's Government in this Island—the due and regular administration of Justice—and the security of private Property, that Provision be made by this Assembly, for the erecting Proper Buildings for the accommodation of the General Assembly, the Supreme Court and its Offices, and the Register and Surveyor General's Offices, in Charlotte-Town, as also for Public Buildings in King's County and Prince County; *and whereas* the usual method of raising money for building Court Houses and Gaols, in His Majesty's Colonies, as well as in Great Britain, is by Assessment on the Property of the County upon presentment by the Grand Juries thereof:

And Whereas, under the circumstances of this Island, where there is only one Grand Jury for the whole thereof, and where it is impossible to ascertain the abilities of the Inhabitants, otherwise than by their Landed Property—it appears both expedient, equitable, and least burthensome, that the same should be raised by an *Assessment* of *Two Shillings* for every *hundred acres of Land*, in this Island:

There shall be paid two shillings per 100 acres, in the Townships and small Islands, and two shillings

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That there shall be paid into the hands of the Treasurer of this Island, the sum of *Two Shillings*, lawful Money thereof, for every *hundred acres of Land* contained in the several Townships thereof, and in the several small Islands, belonging thereto; and the sum of *Two Shil-*

lings for every Pasture Lot, already granted, in the several Royalties in the said Island; the said several Sums of Money to be paid as aforesaid, by the several and respective Owners or Proprietors, within *Six Months* after His Majesty's Royal Allowance and Confirmation of this Act, shall have been signified.

for every Pasture Lot,

within six months after His Majesty's Allowance of this Act.

II. *And be it further enacted*, by the authority aforesaid, That the Treasurer of this Island shall, and he is hereby required and directed, within *thirty days* next after His Majesty's Royal Allowance of this Act shall have been signified, to cause Advertisements in Charlotte-Town, and three of the principal Settlements in each of the Counties of this Island to be published, calling upon the respective Owners of the Lands, charged by this Act as aforesaid, to pay the sums respectively charged thereon, within the time limited by this Act; and the Treasurer is hereby directed and required, at the next sitting of His Majesty's Supreme Court of Judicature after the posting of the said Advertisements, on the *last day of the Term*, to make Proclamation of all such Lands which shall then be in arrear in payment of the sums charged thereon by this Act, and immediately thereafter to cause further Notices to be published at *three* of the most public places in Charlotte-Town, and at *three* of the principal Settlements in each of the Counties of the Colony, notifying the Owners of the said Lands so in arrear, that in case the sums charged on them by this Act shall not be paid on or before the *first day* of *Michaelmas Term* then next following, application will be made to the said Supreme Court for Judgment against the said Lands which shall then be in arrear; —and the said Supreme Court shall give Judgment accordingly, and order and direct, that so much of the several delinquent Lands as shall be sufficient to pay the sum charged by this Act, together with reasonable Costs, to be sold at Public Auction, to the highest bidder; and shall thereupon issue a *fieri facias*, directed to the Sheriff, or Coroner, for that purpose, who on such Sale shall, after having given *Sixty days previous Notice*, proceed to the

Treasurer to publish Advertisements,

calling on Proprietors for payment.

Treasurer to make proclamation of all Land in arrear,

and cause further Notices to be published,

that in case sums in arrear be not paid on the 1st day of Michaelmas Term then following application will be made for Judgment.

Supreme Court to give Judgment and direct sale of Lands, and issue a Fieri Facias.

Sheriff, &c. after due notice, to proceed to sale and execute Deed of

Conveyance to purchaser,

means having been previously used for ascertaining the Proprietor and enabling him to prevent Sale.

said Sale, and shall thereupon execute to the Purchaser a good and sufficient Conveyance thereof—reasonable means having been previously used by the said Supreme Court, according to its discretion, for the ascertaining the Proprietor, and for the enabling him, by due Notice, to prevent the necessity of such Sale, by payment of the sum charged by this Act, together with the Costs attending such Inquiry and Notices as aforesaid: Provided, that no longer period than *Twelve Months* shall be allowed by the said Supreme Court for that purpose.

Twelve Months allowed for that purpose.

If Lands profitable then to be Let, and Rents applied to satisfy Executions.

III. *Provided always*, that in case any of the Lands so in arrear in payment of the sums charged thereon by this Act, shall be improved or profitable Land, the said Sheriff or Coroner is hereby directed, to use his utmost endeavours to Let the same, and apply the Rents arising therefrom, to satisfy the said Executions, together with the Costs and Charges of levying the same.

If Rents or proceeds on Sale more than sufficient, surplus to be paid to Proprietor,

provided it be claimed within three years.

IV. *And Provided also*, that if the Rents or Proceeds on the Sale of such Lands shall be more than sufficient to defray the sums charged thereon by this Act, together with all reasonable Costs and Charges attending the advertising, letting, or selling the same, the Surplus shall be paid to the Proprietors of such Land, or their lawful Attornies; and in case no person shall appear within *three years*, from the Sale, or letting of the said Land, the said Surplus having been previously paid into the Treasury of this Island, shall be applied to the improving or repairing the Roads within the Township in which such Lands lie.

Equity of Redemption for two years.

V. *And Provided always*, That in case of any Lands being sold, under the operation of this Act, an *Equity of Redemption* shall nevertheless be open to the former Owner or Proprietor, His Heirs or Assigns, for the space of *Two Years* next after the levying of the *Fieri Facias* thereon; the Purchaser accounting to the former Owner for the Rents, Issues and Profits, and the former Owner repaying the Purchase Money, with lawful Interest thereon, and allowance for such Improvements as shall or may

be made thereon, the same to be ascertained by the Supreme Court.

VI. *And be it further enacted*, by the authority aforesaid, That the Lieutenant Governor, or Commander in Chief, with the advice of His Majesty's Council, be, and he is hereby empowered, to nominate and appoint *Six Commissioners*, three being of the Council and three of the Assembly, for erecting the aforesaid Buildings, in Queen's Square in Charlotte-Town, which said Commissioners, or the major part of them, are hereby authorized to make such Contracts, for the purchase of Materials for erecting and finishing the said Buildings, and for Workmanship, as they, or the major part of them, shall think proper.

Commissioners for erecting aforesaid Buildings to be appointed.

VII. *And be it further enacted, by the authority* aforesaid, That the said Commissioners, or the major part of them, shall, without delay, procure proper Plans and Sections for the said Buildings to be erected in Charlotte-Town, together with particular Estimates of the expense of materials and workmanship necessary to complete the same; which, together with all Contracts which shall be entered into by the said Commissioners, shall, previous to their being executed, be laid before the Governor, Lieutenant Governor, or Commander in Chief for the time being, for his approbation. *Provided* the Expense thereof shall not exceed, in the whole, the sum of *One Thousand Two Hundred and Forty Pounds.*

Commissioners to procure Plans Estimates, &c.

to be laid before Governor, &c. for his approbation.

Expense not to exceed 1240*l.*

VIII. *And be it further enacted*, That the Governor, Lieutenant Governor, or Commander in Chief, be, and he is hereby empowered, to draw Warrants on the Treasury, at the Requisition of the said Commissioners, or the major part of them, for the sum appropriated by this Act for the said Buildings, or any part thereof, at such times, and in such proportion, as they may think necessary.

Governor, &c. to draw Warrants on Treasury, for the sum appropriated.

IX. *And be it further enacted*, That the Governor, Lieutenant Governor, or Commander in Chief for the time being, be, and he is hereby empowered, to appoint a Commissioner, or Commissioners, for erecting the said *Gaols*, at such places in King's

Governor to appoint Commissioners in King's and Prince Counties for erecting Gaols there:

County and Prince County, as the Governor, Lieutenant Governor, or Commander in Chief, with the advice of His Majesty's Council, shall think proper, and to draw Warrants on the Treasurer for the sum appropriated by this Act, for defraying the expense thereof.

And to draw Warrants on Treasurer for defraying expense thereof.

X. *And be it further enacted,* That a particular account of the Expenditure of the Monies, to be raised and applied by Virtue of this Act, shall be laid before the General Assembly, at the next Session.

Account of expenditure of Monies to be laid before General Assembly.

XI. *And be it further enacted,* by the authority aforesaid, That the said Treasurer shall be allowed at and after the rate of *Five per cent,* for receiving and paying the Monies to be received by Virtue of this Act, and for other duties thereby enjoined.

Allowance to Treasurer.

XII. *Provided always,* That nothing in this Act contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

Suspending Clause.

☞ **This Act received His Majesty's Royal Allowance, as appears by a Letter from the Secretary of State, dated the 15th November 1809, entered upon the Council Books.**

Anno Quinquagesimo Regis Georgii III.

1810.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the First day of December, Anno Domini One Thousand Eight Hundred and Six, and in the Forty-seventh year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. and thence continued by Prorogation until the Thirtieth day of July, One Thousand Eight Hundred and Ten, and in the Fiftieth year of His said Majesty's Reign, being the Fourth Session of the Eighth General Assembly convened in the said Island.

J. F. W. DESBARRES, Lt. Governor.

CÆSAR COLCLOUGH, President.

ROBERT HODGSON, Speaker.

CAP. I.

Repealed, and re-enacted, with amendments, by 3d Will. 4th, c. 27.

An Act to amend an Act intituled *An Act to prevent the Malicious Killing, Wounding and Maiming of Cattle.*

CAP. II.

Expired.

An Act for reviving two several Acts of the General Assembly, lately expired.

CAP. III.

An Act to prevent the Harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent Harbouring Deserters from Ships in the Merchant Service.

Persons harbouring Deserters from Army or Navy, to forfeit 20*l.*

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the *Tenth* day of *September next,* any Person harbouring, concealing, or assisting any *Deserter* from His Majesty's *Navy* or *Army,* knowing him to be such, the Person so offending shall forfeit and pay for every such Offence the sum of *Twenty Pounds,* one Moiety whereof to be paid to the Informer, or Person by whose means such Deserter shall be apprehended, and the residue to be paid to the Officer, or Ship, to which such Deserter did belong—the same to be recovered by Bill, Plaint or Information, in any Court of Record in this Island, by the Oath of one or more credible Witness or Witnesses.

Sheriff, Constable, or Soldier in

II. *And be it further enacted,* by the authority aforesaid, That it shall and may be lawful for the Sheriff of this Island, or his Deputy, or for any Constable of the Town, or place, where any Person who may be reasonably suspected to be a Deserter

shall be found, or for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring, or cause him to be brought, before any Justice of the Peace living in or near such Town or Place, who hath hereby power to examine such suspected Person; and if by his Confession, or the Testimony of one or more Witness or Witnesses, upon Oath, or by the knowledge of such Justice of the Peace, it shall appear or be found that such suspected Person is a *Listed Soldier*, or a *Sailor* belonging to His Majesty's *Navy*, such Justice shall forthwith cause him to be conveyed to the Jail of the County, in case there shall be a Jail there, otherwise to the Jail in Charlotte-Town, and shall transmit an account thereof to the Governor, Lieutenant Governor, or Commander in Chief of the Island, or to the Commanding Officer of His Majesty's Troops in the Garrison of Charlotte-Town, to the end that such person may be removed, and proceeded against according to Law. And the Sheriff of this Island, and the Keeper of every Jail or Prison in which such Deserter shall at any time be confined, shall receive the full subsistence of such Deserter, during the time he shall continue in his custody, for the maintenance of such Deserter, but shall not be entitled to any Fee or Reward on account of the Imprisonment of such Deserter; and the Keeper of every Jail or other Prison shall, and he is hereby required, to receive and confine such Deserter while on the Road from the Place where he was apprehended, to the Place to which he is to be conveyed, either by Warrant of the said Justice, or by order of the Governor, Lieutenant Governor, or Commanding Officer of the Garrison of Charlotte-Town, and shall not be entitled to any Fee or Reward on account of the Imprisonment of the said Deserter, any Law or Usage to the contrary notwithstanding: *Provided*, that every such Deserter from His Majesty's Navy shall have previously entered and received His Majesty's Bounty.

His Majesty's Service, to apprehend suspected person, and bring him before Justice of the Peace;

and such person appearing to be a Listed Soldier, or belonging to the Navy, to be conveyed to Jail, and Justice to transmit account thereof to Governor, &c.

Jailor to receive full subsistence for maintenance of Deserter, but to receive no Fee for imprisonment.

III. And in order to give every encouragement to His Majesty's Subjects in this Island, to check a practice disgraceful in itself, and highly injurious to His Majesty's Service:

Five Pounds to be paid for apprehension of Deserter, &c.

Be it further enacted, That the sum of *Five Pounds* be paid out of the Revenue of this Island, for the apprehension of every Deserter, either from His Majesty's Navy or Army.

The remaining clause, relating to Merchant Seamen, having been repealed by 59th Geo. 3d, c. 8, is not printed.

CAP. IV.

Expired.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh year of His present Majesty's Reign, intituled, *An Act for raising a Fund, for the purpose of defraying Contingent Expenses of the General Assembly of this Island.*

Anno Quinquagesimo Secundo Georgii III. 1812.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Tenth day of August, Anno Domini One Thousand Eight Hundred and Twelve, and in the Fifty-second year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Ninth General Assembly convened in the said Island.

J. F. W. DESBARRES, Lt. Governor.

CÆSAR COLCLOUGH, President.

RALPH BRECKEN, Speaker.

CAP. I.

An Act appointing COMMISSIONERS for expediting the PRINTING of the LAWS of this ISLAND.

Executed.

CAP. II.

Expired.

An Act for reviving an Act of the General Assembly lately expired, intituled *An Act for repealing certain parts of an Act made and passed in the Fourteenth year of His present Majesty's Reign, intituled "An Act for regulating the Measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed Merchantable Timber for Exportation.*

CAP. III.

Expired.

An Act to continue and amend an Act intituled *An Act, appointing and empowering Philip Codd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward.*

CAP. IV.

An Act to alter and amend two several Acts of the General Assembly of this Island, viz. an Act intituled, *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, exported from this Island:* and an Act intituled "*An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer.*

Act in addition to this Act, 11th Geo. 4th, c. 9.

WHEREAS by the Acts above mentioned, the Nature or Form of the Instrument of Security, to be given for payment of the Duties therein mentioned, is not specified or declared, nor is any *Interest* directed to be paid in the event of such *Security* not being paid or discharged at the time when the same becomes, or shall become due and payable—To remedy which defects,

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly* of this Island, that when and as often as the Collector and Receiver, or Collectors and Receivers of the *Duties*, or any of them, specified in the said Acts, or either of them, or in any Act or Acts made or to be made in amendment thereof or addition thereto, is or shall be authorized, or required, to give credit for the payment of the said Duties, or any of them, the said Collector and Receiver, or Collectors and Receivers, shall in every such instance cause the person or persons giving such Security, to enter

Collectors and Receivers of Duties shall take a Recognizance for payment of the Duties for which credit is allowed, with one sufficient security.

into a Recognizance to the King's most excellent Majesty, payable at a like time as the Duties in the Act first before mentioned should and would become payable: and which Recognizance shall be signed and acknowledged by the person or persons so entering into the same, together with one good and sufficient Security, before the said Collector and Receiver, or Collectors and Receivers, who is and are hereby authorized and required to take and subscribe such Acknowledgment; and every Recognizance so to be taken, shall be good and valid in the Law, to all intents and purposes whatsoever, and shall be in the words and figures following:

Form of Recognizance.

"Prince Edward Island, } Be it remembered,
" County. } that on the day
"of in the year 18 A. B. and C. D.
"of came before me E. F. Collector
"and Receiver of Imposts and Duties for the Dis-
"trict of in said Island, and acknow-
"ledged themselves to owe to our Sovereign
"Lord the King, the sum of £ (double
"the amount of the Duties payable,) of good and
"lawful money of Prince Edward Island, to be
"made and levied of their, or either of their,
"Goods and Chattels, Lands and Tenements, to
"the use of our said Lord the King, His Heirs
"and Successors, if the said A. B. and C. D. shall
"fail in the condition underwritten.

"The condition of the above written Recogni-
"zance is such, that if the above bound A. B. and
"C. D. or either of them, their or either of their
"Heirs, Executors, or Administrators, shall well
"and truly pay, or cause to be paid, unto the
"Treasurer of His Majesty's said Island, the sum
"of of lawful money of the said
"Island, on or before the day of
" or in case the said sum shall be
"permitted to remain in the hands of the said
"A. B. and C. D. after said day of
" then if said A. B. and C. D. their
"or either of their Heirs, Executors, or Adminis-

"trators, shall well and truly pay on demand, to
"the Treasurer aforesaid, the sum of £
"with the lawful Interest thereof, from the said
" day of then the said Re-
"cognizance to be void, or else to remain in its
"force.

"Taken and acknowledged at
"pursuant to the Statute, before me,
E. F. Collector."

II. *And be it enacted*, That if the sum, in the condition of the said Recognizance mentioned, shall not be paid at the time and in manner therein specified and appointed, the same shall bear lawful Interest from the day appointed for the payment thereof; and such Interest shall be received by His Majesty's Treasurer of this Colony, for the time being, and accounted for unto His Majesty, in manner as by the said first mentioned Act is directed; but the amount of the sum in the condition of such Recognizance mentioned, and Interest, if any, shall nevertheless be paid, and recoverable at such time and in such manner after the day therein specified for payment thereof, as the Governor, Lieutenant Governor, or other Commander in Chief of this Island, by and with the advice of His Majesty's Council, shall direct and appoint.

Duties shall be recovered in such way as the Governor with advice of Council, may direct.

CAP. V.

Expired.

An Act for reviving two several Acts of the General Assembly, lately expired, viz. an Act made and passed in the 35th year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled "An Act for the establishing and regulating a Militia"* —and An Act made and passed in the 37th year of the Reign of His present Majesty, intituled *An Act in addition to and amendment of an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled, "An Act for the establishing and regulating a Militia;" also an Act made and passed in the Thirty-fifth year of His present Majesty's Reign, intituled "An Act "in addition to and amendment of an Act passed in "the Twentieth year of His present Majesty's "Reign, intituled An Act for the establishing and "regulating a Militia."*

CAP. VI.

Acts which alter or continue this Act: 57th Geo. 3d, c. 1. 6th Geo. 4th, c. 9. 8th Geo. 4th, c. 11. 10th Geo. 4th, c. 17. 11th Geo. 4th, c. 19. 1st Will. 4th, c. 17. 3d Will. 4th, c. 37.

An Act for raising a Fund, to make and keep in repair, the Pumps, Wells, and Streets of Charlotte-Town, and for other Purposes therein mentioned.

Representatives of Charlotte-Town to advertise a meeting of Inhabitants,

BE *it enacted, by the Lieutenant Governor, Council, and Assembly,* That within *One Month* from the passing of this Act, the Representatives in General Assembly of the Town and Royalty of Charlotte-Town for the time being, are, and each

of them is, required to publish an Advertisement at different conspicuous parts of Charlotte-Town, calling together the Inhabitants and Landholders of and in said Town, to assemble at the Court House in Charlotte-Town, at some fixed day and hour, and in each and every succeeding year during the continuance of this Act the said Representatives are, and each of them is, hereby required, in like manner, to call a Meeting of such Inhabitants and Landholders, on the First Monday in April, at noon, at the Court House aforesaid, (eight days notice of all such Meetings being previously given) at which Meetings of the said Inhabitants and Landholders, so to be held, the said Representatives of Charlotte-Town for the time being, or either of them who shall be present, shall preside, and take the Chair,—and in case that neither of said Representatives shall be present at such Meetings respectively, the Inhabitants and Landholders then present shall elect a Chairman, and the Inhabitants and Landholders present, at each of such Meetings, shall proceed to choose *nine Inhabitants* of the said Town, any *five* of whom to be a *Quorum*, who are hereby required to *assess* the Inhabitants and Landholders of the said Town, for such sums as shall be granted, voted and agreed upon by the Majority of Inhabitants and Landholders present at such Meetings respectively.

such meeting to be called on First Monday in April annually.

One of the Representatives to take the Chair.

Meeting to choose Nine Persons to assess Inhabitants.

II. *And be it further enacted*, That the said Inhabitants and Landholders, at such first Meetings, and at their subsequent annual Meetings, respectively, shall be and are hereby empowered to vote such Sums of Money as they shall judge necessary for the then current year, for the making or repairing of *Pumps*, *Wells*, or *Streets*, or other Repairs, Improvements or necessary Expenditures in Charlotte-Town.

Inhabitants at such Meetings to vote what they shall judge sufficient for the current year.

III. *And be it further enacted*, That the Inhabitants so to be Elected, at the respective Meetings herein directed, or any *five* of them, shall be and are hereby empowered to *assess* the Landholders

To assess according to real or personal Estate, and assessment to be

paid to a Collector appointed by the Assessors.

and Inhabitants of Charlotte-Town, in just and equal proportion, as near as may be, for the monies voted as aforesaid; and each particular person being assessed, according to his known Estate, either real or personal, for the purpose aforesaid, shall pay the same to such person or persons as shall be appointed to collect and receive the same by the said Elected Inhabitants, or any *five* of them.

Any Five of the Assessors may appoint a Treasurer, and allow him a sufficient poundage.

IV. *And be it further enacted*, That the said Elected Inhabitants or any *five* of them, are hereby empowered and required, at such their Meetings, to choose and appoint a fit and proper person to be *Treasurer* of the Fund to be raised in pursuance of this Act, taking sufficient security for the due performance of such Office, and like security from the Collector so to be appointed, and at their pleasure to displace either or both of such Officers, and to appoint others in case of misbehaviour, and to allow the said Collector and Treasurer respectively such poundage as the Majority of said Elected Inhabitants shall direct.

Collector to hold Office during pleasure of the Committee.

Persons refusing or neglecting to pay assessment, Collector to affix Notice on House or on the Premises assessed.

V. *And be it further enacted*, That if any person so assessed shall refuse or neglect to pay his, her, or their proportion of the Assessment, the Collector so to be appointed shall leave at the House or place of residence of such person so refusing, or post up on some conspicuous part of the premises so assessed, in case there shall be no House thereon, a Notice in the following words, or to that effect:—

Form of Notice.

"Mr. A. B.

"I do hereby give you Notice, that under and "by virtue of an Act of the General Assembly of "Prince Edward Island, passed in 1812, intituled, "*An Act for raising a Fund to make and keep in* "*repair the Pumps, Wells, and Streets of Charlotte-* "*Town, and for other purposes therein mentioned*, you "have been rated and charged to pay the sum of " as your proportion of "the Town Assessment for the current year; and "unless you shall pay the amount thereof to me, at "my House or Office at

Persons receiving such Notice and not paying must lodge Appeal with the Collector

"within thirty days from the date hereof, or deli-
"ver to me an Appeal within the time aforesaid,
"with one sufficient security, to prosecute the
"same before the Justices in manner by the said
"Act directed (in case you shall consider your-
"self to be overrated,) I will proceed to levy and
"recover the sum before mentioned, with costs,
"by Distress and Sale of a sufficient part of your
"real and personal Estate. Given under my
"Hand, at Charlotte-Town aforesaid, the
"day of 18

"C. D. Collector."

within thirty days thereof.

VI. *And be it further enacted*, That if within *thirty days* from the time of delivering or posting such Notice, as the case may be, the person or persons so thereby required to pay his, her, or their proportion of the said *Assessment*, shall refuse or neglect to pay the same, or shall not within such time lodge with the Collector an Appeal as hereafter mentioned, then the said Collector is hereby empowered and required again to make demand of the said *Assessment*, and within *twenty days* after the expiration of such time, if the same shall not have been paid, to levy the amount and proportion of the said Assessment by Distress and Sale of a competent part of the Defaulter's Goods and Chattels, or of his, her, or their real Estate, in case no Goods or Chattels shall or may be found whereon to levy or make Distress.

Collector on the expiring of the 30 days, to make a second demand within 20 days, and then if there is no payment, the amount may be levied by Distress and Sale of the Defaulters Goods and Chattels, or real Estate if no Goods or Chattels.

VII. *And Provided always*, That in case any Lands being sold under the operation of this Act, an *Equity of Redemption* shall nevertheless be open to the former Owner or Proprietor, his Heirs or Assigns, for the space of *two years* next after the Sale of the said Land, the Purchaser accounting to the former Owner for the Rents, Issues, and Profits, and the former Owner repaying the Purchase Money, with lawful interest thereon, and allowance for such improvements as shall or may be made thereon, the same to be ascertained by the Judgment of three Magistrates of this County.

Lands thus sold may be redeemed within two years, on re-payment of purchase money and interest with the value of the improvements.

Appeal against Assessment to be lodged with Collector.

VIII. *And be it further enacted*, That any person or persons so to be rated or charged with a proportion of the said Assessment, and who may consider that he, she or they is, are, or shall be overrated, shall and may, within the time specified in the beforementioned Notice, deliver to the said Collector, or leave at his House, Office, or place of Residence, an Appeal to the Justices of Peace hereinafter appointed to try and determine the same, which Appeal shall be in the following Form:

Form of Appeal.

"I A. B. do hereby Appeal to the Justices of "Peace of Charlotte-Town, and its vicinity, at their "next meeting, against the payment of the sum of " charged and rated as my proportion "of the Assessment for keeping in repair the "Pumps, Wells, and Streets of Charlotte-Town, "and for other purposes.

"Witness my hand the of 18

"A. B.

"To Mr. C. D. Collector."

Collector shall refuse to receive Appeal unless Appellant presents a Recognizance to abide the Judgment of Justices.

IX. *And be it further enacted*, That the Collector shall nevertheless disallow and refuse to receive such Appeal, unless the Appellant shall, on presenting the same, become bound in a Recognizance, with *one* sufficient surety, to abide the determination or Judgment of the Magistrates to be made thereupon, and which Recognizance shall be in the following Form:

Form of Recognizance.

"Prince Edward Island, } Be it remembered, that
"Queen's County. } on the day of
" in the year of our Lord 18 A. B. and
"E. F. of came before me C. D. Collec-
"tor of the Charlotte-Town Assessment, and ac-
"knowledged themselves to owe to
"Treasurer of the said Assessment the sum of
"£ (double the amount of said Assessment)
"of good and lawful money of Prince Edward Is-
"land, to be made and levied of their Goods and
"Chattels, Lands and Tenements, to the use of

"the said Treasurer, or the Treasurer of "the said Assessment for the time being, if the "said A. B. shall fail in the condition underwrit-"ten.

"The condition of the above written Recogni-"zance is such, that if the above bound A. B. his "Heirs, Executors, or Administrators, shall well "and truly pay, or cause to be paid, unto the said "Treasurer, as aforesaid, the amount of "such sum or sums of money and costs as shall be "adjudged to be due and owing by him, as his "rate and proportion of said Assessment, by the "Justices, at their next meeting as a Court of Ap-"peals, on demand thereof to be made, then this "Recognizance to be void, or else to remain in full "force.

A. B.
E. F.

"Taken and acknowledged at
"pursuant to the Statute, before me,
C. D. Collector."

Collector empowered to subscribe the acknowledgment of the Recognizance.

And the said Collector is hereby empowered and required to take and subscribe the acknowledgment of the said Recognizance, which shall be good and valid to all intents and purposes.

Justices of the Peace in Charlotte-Town or within six miles thereof, to assemble on last Monday in December next, and first Tuesday in June, in every succeeding year.

X. *And be it further enacted*, That each and every of His Majesty's Justices of the Peace, who shall be resident in Charlotte-Town, or within *six miles* thereof, shall, and they are hereby required, to assemble at the Court House in Charlotte-Town, on the last Monday in December next, at twelve o'clock, and on the first Monday in June, in each succeeding year, during the continuance of this Act, and at such meeting the Magistrate whose name shall have precedence in the Commission of the Peace shall take the Chair and preside, and the Collector shall act as Clerk, and the Magistrates so attending shall form and be constituted a *Court of Appeals*, and shall take into consideration the merits of all Appeals to be lodged with the Collector previous to such meetings or sittings respectively, and shall either confirm the rate or amount of the Assessment so appealed from,

Eldest Magistrate to preside, and Collector to be Clerk in Court of Appeals.

Magistrates, or a majority of them, may make such alterations in the Assessment as they think proper.

or make such alteration therein as the said Magistrates, or the Majority of them present at such meetings, shall think fit, and shall award such reasonable sums as they shall deem proper to be paid as Costs by the Appellants respectively, in case the rate or sum appealed from shall be confirmed: *Provided*, that such Costs shall not exceed *five shillings* in the Pound, upon the amount of the rate or sum to be appealed from; and the Order of the Magistrates shall be conclusive and binding upon all parties.

Costs shall not exceed five shillings in the pound upon the rate of Assessment appealed from.

XI. *And be it further enacted* That each and every Appellant shall pay and discharge the amount of the order so to be made by the Majority of the Magistrates, at any such Meetings, within *ten days* after such meeting, together with such Costs, if any, as shall be awarded,—and if such Appellant or Appellants shall neglect or refuse to pay the said amount to the Collector, within *ten days* after such order shall have been made, it shall and may be lawful for the Collector and his Assistants to levy the amount thereof by Distress and Sale of the Goods and Chattels of such Defaulter, or of his, her, or their joint surety or Co-Obligor in the Recognizance to be taken, as herein before is mentioned; and if no Goods or Chattels shall be found to answer the said amount with, costs, then the Collector is hereby authorized to levy the amount by sale of a sufficient proportion of the Defaulter's Lands, Tenements, or Hereditaments, to answer and discharge such claim, giving *thirty days* notice in writing of such Sale. And in all cases where any Lands, Tenements, or Hereditaments shall or may be sold by the Collector, by virtue of this Act, such Collector shall, and he is hereby required, to execute a Deed of Conveyance, at the expense of the Purchaser, of the Lands, Tenements, or Hereditaments so to be sold, which Deed of Conveyance shall operate effectually to assign, convey, and make over the right, title, and interest of the Defaulter or Defaulters in or to the Lands, Tenements, or Hereditaments, so to be sold, to the Person or Persons who shall purchase the same respectively.

Appellant shall pay the sum awarded within ten days after the order, otherwise the Collector may distrain, or proceed on the Recognizance.

If no Goods or Chattels, Collector may proceed to sell the Lands, giving thirty days Notice of the sale.

Collector empowered to execute a Deed of Conveyance, and convey a good right to the Purchaser.

XII. *And be it enacted*, That the person or persons appointed to collect the Assessments aforesaid, shall *once* in every *three months* account with and pay into the hands of the Treasurer, all such sums of money as he or they may have received; and upon his or their neglect or refusal to account and pay in the same as aforesaid, such person or persons shall or may be prosecuted by the said Treasurer for the time being, by Bill, Plaint, or Information, in the Supreme Court of Judicature, and shall also forfeit and pay a Fine of *Ten Pounds*; and any Treasurer or Collector, to be appointed as aforesaid, (and who shall accept of such appointment,) not complying with the Duties herein before and after set forth, shall, for each offence, forfeit and pay such Fine, not exceeding *Twenty Shillings*, as the Magistrates at any of their Meetings to be held as aforesaid, shall direct and appoint; such Fine to be recovered before any Justice of Peace, and applied in aid of the Fund to be raised under this Act.

Collector shall pay the Treasurer all monies once in every three months.

Collector failing so to do, to pay a fine of 10*l*.

Collector not complying with duties set forth in Act, shall forfeit for each offence a Fine not exceeding twenty shillings.

XIII. *And be it enacted*, That if any of the *nine inhabitants*, to be chosen as Assessors, at the meetings to be held respectively, shall refuse to serve in their respective Offices, each person so refusing shall forfeit and pay the sum of *Forty Shillings*, to be recovered by the Collector before any Magistrate, and paid to the Treasurer in aid of the Fund to be raised by virtue of this Act.

Assessors refusing to act shall forfeit 40s.

XIV. *And be it enacted*, That the said Assessors so to be appointed shall, and they are hereby authorized and required, to cause such Improvements to be made in the said Town, by sinking Wells, procuring Pumps, repairing others, and the Streets and Shores thereof, and also procuring a Fire-Engine, as they in their discretion shall think necessary; and shall render an account of the expenditure of all monies received by them in pursuance of this Act, together with proper vouchers in support thereof, to the Magistrates at their next meeting; and any Assessor offending herein, shall incur a penalty of *Five Pounds*, to be recovered before two Magistrates, and applied in aid of the Fund to be raised under and by virtue of this Act.

Assessors authorized to make certain improvements, and also to procure a Fire-Engine.

Assessors to render an Account of monies received by them.

Assessors empowered to remove obstructions in Streets, and to present Nuisances to the Supreme Court.

XV. *And be it further enacted,* That the said Assessors, and each of them, are hereby empowered to cause all obstructions in the Streets of the said Town to be removed, at the expense of the party offending, and to present all Nuisances to the Supreme Court of Judicature, to be proceeded against according to Law.

Treasurer authorized to pay monies to the Assessors when required by a majority of them.

XVI. *And be it further enacted,* That in order to enable the said Assessors to carry the provisions of this Act into Execution, the Treasurer to be appointed in pursuance of this Act is hereby authorized and directed, from time to time, as he shall be required by the majority of the said Assessors, to supply the said Assessors, or either of them, with money, taking his or their receipt for the same; and if any overplus shall remain in the hands of the said Treasurer, out of the monies arising by virtue of this Act, the same shall continue in the hands of the said Treasurer, and to be accounted for at the next meeting of the Magistrates.

Treasurer to retain overplus of monies procured from Sale of Lands under this Act, and if not claimed within 2 years, the same to go to the Fund to be raised by this Act.

XVII. *And be it further enacted,* That the overplus of any monies which shall be raised by any Sales which shall or may take place by or in consequence of the non-payment of rates to be levied under this Act, shall be paid to and remain in the hands of the Treasurer, to and for the use of the person or persons whose Lands or Premises shall be sold; and if the said overplus shall not be claimed for *two years* after such sale, then the same shall go to the Fund to be raised by this Act.

Treasurer appointed to receive monies from the Treasurer, received under a former Act,

XVIII. *And whereas* a sum of money now remains in the hands of the Honorable Robert Gray, Treasurer, under an Act of the General Assembly of this Island, intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town.*

Be it enacted, That the said sum shall be paid over to the Treasurer to be appointed by this Act, and shall form and constitute a part of the Fund to be raised under the same.

XIX. *And whereas* sundry Fire Buckets, and other Implements and Materials, have been hereto-

fore procured, and a sum of money has been raised under and by virtue of an Act of the General Assembly of this Island, intituled *An Act for preventing accidents by Fire, and for appointing Fire-Wards in Charlotte-Town, and the Suburbs thereof.*

Be it enacted, That the Assessors to be appointed under and by virtue of this Act, shall have the power, and they are hereby required, to demand, sue for, collect and receive, all such monies, if any, as shall or may be due under the Act last before mentioned, and also all such of the Buckets, Implements and Materials, as shall have been furnished in pursuance thereof, and keep the same for the purposes in this Act mentioned.

Assessors to collect and sue for all monies that may be due under former Act, and also all Buckets.

XX. *And be it enacted,* That this Act shall continue and be in force, for and during the space of three years, and from thence to the end of the then next Session of the General Assembly and no longer.

This Act to be in force for three years.

CAP. VII.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh year of His present Majesty's Reign, intituled, *An Act for the purpose of defraying Contingent Expenses of the General Assembly of this Island.*

Expired.

Anno Quinquagesimo Quarto Georgii III.

1813.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Fifteenth day of November, Anno Domini One Thousand Eight Hundred and Thirteen, and in the Fifty-fourth year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the Second Session of the Ninth General Assembly convened in the said Island.

C. DOUGLAS SMITH, Lt. Governor.

THOS. TREMLETT, President of Council.

JAMES CURTIS, Speaker.

CAP. I.

An Act for better preventing ACCIDENTS by FIRE within Charlotte-Town, and the Suburbs thereof.

Amended by 11th Geo. 4th, c. 6.

WHEREAS many Accidents have happened by Fire in Charlotte-Town, and it has become necessary for the preservation of the Lives and Pro-

Preamble.

perties of His Majesty's Subjects residing therein, that every precaution should be taken to prevent the recurrence of similar Accidents:

The Governor to appoint four Persons annually as Fire Wardens.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint annually such number of persons, not exceeding *Four*, within the Town and Suburbs of Charlotte-Town, as he may think proper to be Fire-Wardens, which persons shall be sworn faithfully to discharge their duty as hereinafter mentioned.

No Fire Warden to be obliged to act more than once in 3 years.

II. *And be it further enacted*, by the authority aforesaid, That no Fire Wardens shall be obliged to act in that capacity above *once* in *Three Years*, and that no Clergyman, Physician, or Surgeon, shall be obliged to serve as a Fire Warden.

Any Person who shall be nominated as a Fire Warden, to forfeit forty shillings, if he refuse to serve.

III. *And be it further enacted*, That any Person refusing to accept the Office of Fire Warden, after having been nominated thereto as aforesaid, shall forfeit the sum of *Forty Shillings*.

All chimnies to be swept once in every 2 Months between the 1st May and 31st October, and once a Month from the 1st November to the 30th April, and persons omitting so to do, to incur a Penalty of 5 shillings for each offence.

IV. *And be it further enacted*, That every Chimney which shall or may be made use of in Charlotte-Town, and the Suburbs thereof, between the *first day of May* and the *thirty-first day of October*, shall be swept once in every Two Months; and every Chimney which shall be made use of in the said Town or Suburbs, between the *first day of November* and the *thirtieth day of April*, shall be swept once in every Month; and all persons occupying Houses respectively, omitting to cause their Chimnies so to be swept, shall incur a Penalty of *Five Shillings*, for each and every such omission; and if any such Chimney, shall take fire, then the occupier shall incur a further Penalty of *Twenty Shillings*; the occupier of each House being obliged to prove that the Chimnies therein have been swept within the periods herein before limited and appointed.

Occupiers of Houses to be provided with Two

V. *And be it further enacted*, That within *Three Months* from the passing of this Act, the Tenant or Occupier of every House in the said Town shall be

provided with, and keep *two* Water-Buckets of Leather, Wood, or Tin, and *one* Ladder; and within *Three Months* from the time which any person or persons shall in future occupy any House within the said Town, such person or persons shall in like manner be provided with such Implements, the same to be ready for use at all times in case of Fire, and which Ladder shall be of a length corresponding to the height of the House sufficient to enable Water to be carried to any part of the same in case of Fire.

Buckets and a Ladder, within Three Months after they occupy the house.

Ladder to correspond with the height of the house.

VI. *And be it further enacted,* That the Occupier of any such House or Houses, omitting to have the said Buckets and Ladder, or not having the same in sufficient repair and fit for immediate use, shall incur a penalty of *five shillings* for each and every such omission; and it is hereby enacted that the expense of providing and keeping in repair the said Ladders, shall be borne by the Proprietors of the Houses, and the expense of keeping the said Buckets shall be borne by the Tenant or Occupier of each House; and if any Proprietor shall neglect or refuse to provide the said Ladders, the Occupiers shall procure the same, and deduct their value from their Rent.

Occupier not having said Buckets and Ladder, and in sufficient repair, to incur a Penalty of 5 shillings.

The Proprietor of the House to bear the expense of the said Ladder, and the Tenant the Buckets.

VII. *And be it further enacted,* That one of the said Fire-Wardens shall in succession, visit each House within the said Town and Suburbs, and inspect the Water Buckets and Ladders, once in every three months, under a Penalty of *Ten Shillings* for every House such Fire-Warden, in succession, shall neglect to visit; and it shall and may be lawful for the said Fire-Wardens, or either of them, who shall think fit, to visit any House or Houses in the said Town and Suburbs, once a Month, between the Hours of eleven in the morning and four in the afternoon, to inspect the Water-Buckets and Ladder, and any House-Keeper refusing to produce the same, shall for every such refusal, incur a Penalty of *Five Shillings.*

The Wardens to inspect the Buckets and Ladders at each house once in 3 months, under a penalty of Ten Shillings.

Fire-Wardens to visit between the hours of 11 morning and 4 afternoon.

Housekeeper refusing to produce Buckets and Ladder to incur a Penalty of 5 shillings.

VIII. *And be it further enacted,* That if any House-Keeper in said Town shall keep, or permit to be kept, any Hay, Straw or Flax, in any part of a Dwelling-House, or shall keep any Ashes on a

No Housekeeper to keep Hay, Straw, or Flax in any dwelling-house, except for

bedding, or ashes in a wooden vessel.

Wooden Floor, or in a Wooden Vessel, in the said House, such House-Keeper shall forfeit *Ten Shillings* for every such offence, and likewise the Hay, Straw or Flax, found in such Dwelling-House, excepting always such Hay or Straw as is used for Bedding.

No lighted Candle or Fire-brand to be carried from house to house, unless properly secured to prevent accident, under the Penalty of 5 shillings.

IX. *And be it further enacted*, That no lighted Candle, Fire, or Fire-Brand, shall be carried from House to House, or place to place, through the Streets of Charlotte-Town, unless such Fire or Fire-Brand shall be properly enclosed, or otherwise secured, so as to prevent accident; and any person carrying such lighted Candle, Fire or Fire-Brand, not secured, shall forfeit and pay a Penalty of *five shillings* for each and every such offence; the said Fine or Penalty to be paid by the Parents, Masters, Mistresses, or Guardians of any Minors so offending.

Not more than 25lb. of Gun-Powder to be kept in any house excepting the Magazine.

X. *And be it further enacted*, That no person residing within the said Town, or the Suburbs thereof, shall keep, or permit to be kept, in any Dwelling-House, Store, Shop, Stable or Out-House, any greater quantity than *twenty-five* pounds weight of Gun-Powder, at any one time; and all persons found offending herein shall incur a Penalty of *Two Pounds* for each offence, and shall forfeit the whole of the Gun-Powder; and it shall and may be lawful for any one of His Majesty's Justices of the Peace, upon Information on Oath being made before him, of a reasonable ground of suspicion that any person in Charlotte-Town, or the Suburbs thereof, has a greater quantity of Gun-Powder than *twenty-five* pounds weight in any place or places contrary to the intent and meaning of this Act, to issue a Warrant, directed to any Constable of the District, to search such suspected place or places, along with one of the Fire-Wardens, and on any such greater quantity being found, the same shall be forfeited, together with a Penalty of *Two Shillings* for every pound weight of Gun-Powder so found, above the quantity allowed to be kept.

Two Shillings per Pound over and above the forfeiture of the Powder to be paid for all above 25lbs. weight.

No person to incur Penalties un-

XI. *Provided always, and be it enacted*, That no person shall be liable to the Forfeitures or incur the

Penalties for having Gun-Powder in his keeping contrary to the intent and meaning of this Act, unless there shall be in Charlotte-Town, or the Suburbs thereof, a Magazine for the reception and security of Gun-Powder, to which the Public can have access.

less a Magazine for the reception of Gun-Powder is provided.

XII. *And be it further enacted,* That from and after Two Months from the passing of this Act, no Stove-Pipe within Charlotte-Town aforesaid, shall be passed through any partition of Wood, or of Wood and Lime, or through any Wooden Floor, or Roof, unless there shall have been left *five inches* clear between the Pipe and the Partition, or Floor, or Roof, and which Pipe shall be surrounded with a sheet of Iron or Tin, which shall be nailed to such Partition, Floor or Roof; and any Person offending in the Premises shall incur a Penalty of *Twenty Shillings;* and the several persons to be appointed Fire-Wardens, in pursuance of this Act, are hereby required to pay due attention to this clause, at the time of the different Inspections or Visitations, herein before mentioned.

No Stove-Pipe to be nearer any roof, wooden partition, or floor than 5 inches,

under a penalty of twenty shillings.

XIII. *And be it further enacted,* That there shall be one Fire-Engine provided for Charlotte-Town, and the Suburbs thereof, and which shall be deposited in some centrical and convenient part of Charlotte-Town, and there shall be provided for the said Engine, one Ladder of twenty-five feet in length, and one Ladder of twenty feet in length, with spikes at the bottom of each Ladder, Ten leathern or canvas Buckets, ten large Bags, four sharp Axes, and four Fire-hooks, and the same shall be deposited in the Engine-House, and be marked with some distinguishing mark, to be affixed by the orders of the Fire-Wardens.

One Fire-Engine, 2 Ladders, and other articles, to be provided.

XIV. *And be it further enacted,* That on the discovery of any Fire breaking out, an alarm Drum shall be beat, and the Bell of the Church shall be rung, and all the Inhabitants of the said Town and Suburbs shall be bound to give their assistance to the said Fire-Wardens, who are hereby jointly and severally empowered to require the assistance of the said In-

Alarm Drum to be beat, &c. in case of Fire.

Fire-Wardens to require the assistance of the In-

habitants when a Fire happens.

habitants, for the purpose of securing or removing any property that may be thought necessary or practicable to save, and for extinguishing and putting out the Fire; also to require the assistance of the said Inhabitants on any service calculated to stop or to prevent the further spreading of the Fire, and to suppress all tumults and disorder.

Fire-Wardens to have a Staff.

XV. *And be it further enacted*, That the said Fire-Wardens shall each of them have a Staff of seven feet long, distinguished by being painted red, and headed with Tin; and when any Fire shall break out as aforesaid, the Fire-Wardens shall forthwith repair to the place where the Fire may be, and use every endeavour to regulate and controul the exertions of the Inhabitants, in the way that shall be most effectual, to extinguish or to arrest the progress of the Fire; and the Inhabitants are hereby required to observe a reasonable and due obedience to the commands of the Fire-Wardens on such service; and all persons guilty of disobedience, neglect, or refusal of the same, shall respectively, upon Information and Conviction thereof, before one or more of His Majesty's Justices of the Peace, residing in the said Town or Suburbs, within one week thereafter, forfeit and pay a sum not exceeding Twenty Shillings.

Inhabitants to observe a due obedience to the Fire-Wardens.

Persons guilty of disobedience to forfeit Twenty Shillings, if sued for within one week after offence is committed.

Constables to attend where a Fire happens.

XVI. *And be it further enacted*, That the Constables of Charlotte-Town shall, upon all occasions of Fire, be ready to attend with their Staves, and receive the commands and directions of the Fire-Wardens, to prevent Thefts, and for other necessary purposes.

All Fines to be recovered before one or more Justices,

XVII. *And be it further enacted*, That all Fines, Penalties, and Forfeitures, arising by virtue of this Act, shall and may be recovered before one or more of His Majesty's Justices of the Peace, in Charlotte-Town, who shall hear and determine such Information in a summary way, upon the Oath of one or more credible Witness or Witnesses; being some other Person than the Informer; which said Justice or Justices shall cause such Fine, Penalty or Forfeiture, together with the

on the Oath of one or more Witnesses.

Costs of suing for the same, to be levied by Warrant of Distress and Sale of the Goods of the Offender; one half of every such Penalty to be given to the Informer, and the other half to the Fire-Wardens, to be applied by them in repairs or additions of the Fire Engine; and other Implements herein before provided for, and to be accounted for by them to their Successors in Office—provided that all Fines, Penalties, and Forfeitures, shall be sued for within *ten days* after the offence shall be committed, and not after.

Fines how to be applied;

and to be sued for within ten days after the offence.

CAP. II.

An Act in addition to, and amendment of, an Act for expediting the Printing of the Laws of this Island.

Executed.

Anno Quinquagesimo Septimo Regis Georgii III.

1817.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Tenth day of August, Anno Domini One Thousand Eight Hundred and Twelve, and in the Fifty-second year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain and Ireland King, Defender of the Faith, &c. and thence continued by several Prorogations unto the Eighth day of July, One Thousand Eight Hundred and Seventeen, and in the Fifty-seventh year of His said Majesty's Reign, being the Third Session of the Ninth General Assembly convened in the said Island.

C. DOUGLAS SMITH, Lt. Governor.

THOS. TREMLETT, President of Council.

JAMES CURTIS, Speaker.

CAP. I.

An Act to continue an Act intituled, *An Act for raising a Fund to make and keep in repair, the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned.*

Preamble.

WHEREAS an Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned, is nearly expired, and it is thought expedient to continue the same;

Act to be in full force until the 30th March 1819, and no longer.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the above recited Act near expiring, be continued, and that every Clause, Matter, and Thing therein contained, shall be in full force until the Thirtieth day of March, One Thousand Eight Hundred and Nineteen, and no longer.

CAP. II.

The Act of which this is an amendment, is repealed by 3d Will. 4th, c. 27.

An Act to amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled "*An Act to prevent the cutting of Pine or other Trees, without permission of the Proprietor, and to prevent the cutting down and destroying of Fences.*"

CAP. III.

Prolonged for 5 years by 1st Geo. 4th, c. 2. Made perpetual by 6th Geo. 4th, c. 1.

An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint-Debtors.

Preamble.

WHEREAS Co-Partners and other Persons often contract Debts jointly, and some of such joint Debtors being resident out of the Island,

or absent from it, the Recovery of such Debts is thereby delayed and impeded—For remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That where Co-Partners, or others, are and shall become jointly indebted by Specialty or simple Contract, to any Person or Persons, and any one or more of such joint Debtors shall be absent or resident out of the Island, the Creditor or Creditors, in all Suits, in such Cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court, a Writ or Writs of *Mesne Process* against all the said Co-Partners or joint Debtors, which shall be served in the usual manner upon such of the Defendants as shall be within the Island, and which Process so served shall be deemed as good and effectual to all intents and purposes as if the same had been served on all the said Co-Partners or joint Debtors.

When one or more joint Debtors absent or resident out of the Island, Creditors may proceed to recover their Debts by Writ of Mesne Process against all the joint Debtors, which may be served on such Defendants as are within the Island.

II. *Provided always, and be it enacted,* That if it shall be made appear to the said Court, by Affidavit or Plea in Abatement, that the names of any of the said Co-Partners or joint Debtors are omitted in the Writ, or that any of them who were in the Island at the time of issuing such *Mesne Process* as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the Writ, or to stay the Proceedings, as the Case may require, any thing herein contained to the contrary notwithstanding.

If it shall appear to the Court, by Affidavit or Plea in abatement, that the names of any joint Debtors are omitted in the Writ, or any of them within the Island not served with same, Court may abate the Writ or stay proceedings.

III. *And be it further enacted,* That in all Cases as aforesaid, the Plaintiff or Plaintiffs may file his, her, or their Declaration against such of the Co-Partners or joint Debtors as have been duly served with *Mesne Process,* and may suggest in the said Declaration that the other Co-Partners or joint Debtors (naming them) were absent out of the Island, and without the Jurisdiction of the Court, at the time of issuing the Process, and at the time of filing such Declaration, and thereupon the Plaintiff or Plaintiffs may proceed, according to the usu-

Plaintiff may file Declaration against such joint Debtors as have been served with Mesne Process, and may thereafter proceed to

Judgment against said joint Debtors so served as is practised in England against a Defendant whose joint Debtor has been outlawed.

al practice of the Court, to obtain Judgment against the said Co-Partners or joint Debtors, who have been so duly served with Process in the same manner as is practised in England against a Defendant whose Co-Partner and joint Debtor has been Outlawed.

Plaintiffs after Judgment recovered may take out Execution and levy the amount on Goods and Lands, the joint or separate Property of said Debtors, or take their Persons in satisfaction of the same.

IV. *And be it further enacted,* That it shall and may be lawful for the Plaintiffs, after Judgment recovered, as aforesaid, to take out a Writ called a *Statute Execution,* and levy the amount on the Goods and Chattels, Lands and Tenements, the joint or separate Property of the said Co-Partners, or to take the Person or Persons of the said joint Debtors, or either of them, in satisfaction of the same.

Proviso.

And Provided always, That if any such Defendant shall make Affidavit that it is necessary for him to receive Instruction or Information respecting such Suit from his absent Partner or joint Debtor, and that he cannot safely proceed to the Trial of the Cause without Communication with the said Absentee, and that he is not seeking for delay only, it shall be lawful for the Court, on application grounded on such Affidavit, or other sufficient cause shewn by Affidavit, to grant to the Defendant or Defendants such a reasonable Imparlance as is allowed in common cases.

If any absent Debtor shall come into the Island before final determination of suit, he may be admitted by Court to appear and defend the same.

V. *And be it further enacted,* That if any Co-Partner, or joint Debtor, being absent as aforesaid, and not served with Mesne Process, shall come into the Island before the final determination of the Suit against his Co-Partner or joint Debtor, and shall apply to the Court to be admitted to appear and defend the Action, the Court shall admit him accordingly, and shall cause such amendment to be made in the Proceedings as may be required to make the same regular and consistent.

If joint Debtor come into Island after final Judgment, Plaintiff who has not re-

VI. *And be it further enacted,* That if any such absent Debtor, or Co-Partner, shall come into the Island after final Judgment given in any such Cause, it shall be lawful for the Plaintiff or Plaintiffs, in case he or they shall not have received full

Satisfaction on such Judgment, to sue out a *Scire Facias* against such last mentioned Co-Partner or joint Debtor, requiring him to appear and shew Cause why Execution should not be had against his Person, or against his Goods and Chattels, Lands and Tenements, to satisfy the said Judgment, or whatever may remain due thereon; and such Defendant shall be allowed to plead either in Bar to the original Suit, or in answer to the said *Scire Facias*, and thereupon the Court shall proceed to try and determine the same, and to give Judgment as in other Causes instituted by such Writ.

ceived full satisfaction may sue out scire facias against such Debtor

and Defendant may be allowed to plead, and Court may proceed to try and judge as in other cases of scire facias.

VII. *And be it further enacted*, That nothing herein contained shall be construed to effect or prevent any Proceeding which may or shall hereafter be instituted against any *absent* or *absconding Debtor*, pursuant to the Act in such Case made and provided.

Nothing herein to prevent any Proceedings against absent Debtors pursuant to Act.

VIII. *And be it further enacted*, That this Act shall continue and be in Force for the space of *Three Years* from the passing thereof, and from thence to the end of the next Session of the General Assembly.

Act to continue for 3 Years.

CAP. IV.

An Act to regulate the Admission of Barristers, Attornies and Solicitors.

WHEREAS it is of great public importance that Persons practising the Profession of the Law should be regularly Educated, and properly qualified, to perform the Duties of their Employment:

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That from and after the passing of this Act, every Person who shall apply to be admitted as a Barrister or Attorney in the Supreme Court of Judicature, or as a Barrister or Solicitor in the Court of Chancery, shall have served, *bona fide*, as an articled Clerk for the space of *Four*

Qualification of Persons applying to be admitted a Barrister, &c. in Supreme Court or Court of Chancery.

Years at least in the Office of one of the Barristers, Attornies or Solicitors of the said Courts, or shall produce authentic Documents to prove his having been called to the Bar in Great-Britain or Ireland, or in the Colonies, or of his being qualified to be so called, or of his having been admitted to practise as an Attorney or Solicitor in one of the Superior Courts of Law or Equity in Great Britain or Ireland, or the Colonies, or of his being qualified to be so admitted according to the Rules and Regulations of such Courts.

Every Candidate shall be 21 years of age at least and shall undergo an Examination touching his skill in the Law.

II. *And be it further enacted*, That every Candidate for admission, as aforesaid, shall be of the age of *Twenty-one Years* at least, and shall undergo a strict Examination touching his skill in the Law, and which Examination shall be conducted by His Majesty's Attorney General, or the Solicitor General, for the Island, for the time being, and the senior practising Barrister, in presence of the Judges of the Supreme Court, of which the Chief Justice shall always be one, and in presence of the Chancellor in the Court of Chancery.

Proviso as to Persons who have already qualified.

III. *Provided always*, That nothing herein contained shall be held to affect Persons who have already qualified themselves for Admission to the Office of Barrister and Attorney in the Supreme Court, according to the general Rule of that Court, of Michaelmas Term, in the Year One Thousand Eight Hundred and Eight, or to the Office of Barrister and Solicitor in Chancery, according to the Practice of that Court.

CAP. V.

Repealed, and re-enacted, with amendments, by 1st Geo. 4th, c. 3, s. 10.

An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same*, and for declaring what shall be deemed Merchantable Timber for Exportation.

Anno Quinquagesimo Nono Georgii III.

1818.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Third day of November, Anno Domini One Thousand Eight Hundred and Eighteen, and in the Fifty-ninth year of the Reign of our Sovereign Lord GEORGE the THIRD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Tenth General Assembly convened in the said Island.

C. DOUGLAS SMITH, Lt. Governor.

THOS. TREMLETT, President of Council.

ANGUS MACAULAY, Speaker.

CAP. I.

An Act for raising a Fund to build GAOLS and COURT HOUSES, and for appointing COMMISSIONERS to carry the same into effect.

This Act was passed with a suspending clause, and His Majesty's assent thereto hath not been signified.

CAP. II.

An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.

Preamble.

WHEREAS every Act of the General Assembly in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly in which such Act is passed; and whereas the same is liable to produce great and manifest Injustice; for remedy whereof,

Clerk of Council to endorse on every Act the day, month, and year, when the same shall receive the Governor's assent.

Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Clerk of the Council shall indorse in English, on every Act of the General Assembly, which shall pass after the Third day of November, One Thousand Eight Hundred and Eighteen, immediately after the Title of such Act, the Day, Month and Year, when the same shall have passed, and shall have received the Governor, Lieutenant Governor, or Commander in Chief's Assent; and such Indorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

CAP. III.

An Act to limit the duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned.

Altered by 3d Will. 4th, c. 12.

Preamble. 13th Geo. 3d, c. 3. 26th Geo. 3d, c. 11. 35th Geo. 3d, c. 7.

WHEREAS the Terms of the Supreme Court of Judicature of this Island are not limited to any fixed periods of time, and grievous delays, burthens and expenses have been occasioned to Suitors, Jurors, Witnesses, and others attending the said Court, by reason of the extension of the Sessions of the same:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly* of this Island, and by the authority of the same, That the Term of the said Court known and distinguished by the name of Hilary Term, shall begin and take its commencement on the Third Tuesday of February, yearly, as by Law established, and shall continue and endure for the space of *Fourteen Days*, and no longer; and that the Term of the said Court known and distinguished as Trinity Term, shall begin and have its commencement on the last Tuesday of June yearly as by Law established, and shall continue and endure for the space of *Fourteen Days*, and no longer; and that the Term of the said Court known and distinguished as Michaelmas Term shall begin and have its commencement on the last Tuesday of October, yearly, as by Law established, and shall continue and endure for the space of *Seven Days* and no longer.

Hilary Term to commence upon the third Tuesday of February (since altered to first Tuesday in January) and to continue 14 days.

Trinity Term to commence on the last Tuesday in June, and continue 14 days.

Michaelmas Term to commence on the last Tuesday in October, and to continue 7 days.

II. *And be it further enacted*, That every Juridical day during the said Terms of Hilary, Trinity, and Michaelmas, shall be a Return day, for all Writs and Processes awarded by the said Court.

Every Juridical day to be the return day for all Writs, &c.

III. *And be it further enacted*, That no Trial by Jury whatsoever shall take place in either of the said Terms of Hilary and Trinity after the expiration of the first *Ten Days*, from the commencement of said respective Terms.

No trial by Jury to take place in Hilary or Trinity Terms after the expiration of 10 days.

CAP. IV.

An Act to enable the JUSTICES of the Supreme Court of Judicature to issue COMMISSIONS for examining WITNESSES out of this Island.

Revised and continued by 5th Geo. 4th, c. 6. Made perpetual by 9th Geo. 4th, c. 6. Amended by 10th Geo. 4th, c. 14.

BE *it enacted by the Lieutenant Governor, Council and Assembly*, That in all Civil Causes which may at any time after the passing of this Act be depending and at issue in the Supreme

Depositions of Witnesses residing out of this Island to be read as evidence.

Court of Judicature of this Island, in which either Party shall be desirous to take the Depositions of Witnesses residing out of this Island, to be read as Evidence in such Causes, it shall and may be lawful for the said Court, in Term time, or for any one of the Justices of the same, in Vacation, upon sufficient cause being shewn by Affidavit made by or on behalf of the Party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court for taking such Depositions, in such manner, and under such Rules, Restrictions and Regulations as the said Court by any Rules and Orders for that purpose shall direct and appoint: And such Depositions so taken shall be read in Evidence as Depositions taken *de bene esse*, at the Trial of such Causes, and the Costs attending the issuing such Commissions and taking such Depositions, shall be taxed, and shall be paid by the Party who shall afterwards discontinue any such Suit, or against whom any final Judgment therein shall be given. *Provided*, that the Judge or Officer taxing such Costs shall be of opinion that such Commission was necessarily issued, and that the Depositions taken thereunder were material to the matter in issue, in favour of the Party who desired the same; but if otherwise, such Costs shall be paid by the Party obtaining the Commission.

Issue of Commission for taking such Depositions.

Depositions so taken to be read as evidence de bene esse.

Costs attending suit to be taxed, and paid by the party discontinuing, &c.

Provided Court shall be of opinion that such Commission was necessary,

otherwise to be paid by party obtaining Commission.

II. *And be it further enacted*, That this Act shall remain and be in force for and during the Term of Five Years from and after the passing thereof, and no longer.

Act to be in force 5 years.

CAP. V.

An Act for regulating Juries, and further declaring the Qualifications of Jurors.

Acts relating to this subject: 13th Geo. 3d, c. 8. 5th Geo. 4th, c. 7. 9th Geo 4th, c. 2. 3d Will. 4th, c. 12.

Be *it enacted, by the Lieutenant Governor, Council, and Assembly*, That no Sheriff or Bailiff shall return any Person to have been Summoned as a Grand or Petit Juror, to serve in this Island,

No Person to be returned unless summoned six days before the

unless such Person shall have been duly summoned *Six Days* before the day of appearance, and shall have resided in this Island for the space of *Six Months* next before such Summons; and in case any Juror be absent from his Habitation, notice of such Summons shall be given by leaving a Note in writing under the hand of such Officer, at the Dwelling of such Juror, with some Person there inhabiting.

day of appearance, and shall have resided 6 Months in the Island.

Notice in writing to be left at the Dwelling House.

II. *And be it further enacted*, That an equal Number of Grand and Petit Jurors shall be summoned as aforesaid, from each County of this Island, except in cases of Special Juries.

An equal number of Jurors to be chosen from each County, except in cases of Special Juries.

III. *And be it further enacted*, That if any Cause, Criminal or Civil, cannot be tried when called on in Court for default of Jurors, the Justices of the Court shall have authority to command the Sheriff to summon so many other proper Persons not liable more than once in a year, of any County in this Island, to attend forthwith, as will make up a full Jury for the Trial of such Cause.

Jurors how chosen when a sufficient number shall not appear.

IV. *And be it further enacted*, That upon Motion made in the Supreme Court in behalf of His Majesty, or on the motion of any Prosecutor or Defendant in an Indictment or Information for any Misdemeanor or Information, in the nature of a *quo Warranto*, or on Motion of any Plaintiff or Defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper Officer, for the trial of any issue, in such manner as Special Juries are usually struck in the said Court upon trials at Bar. And in all cases the Party who shall apply for a Special Jury shall not only pay the Fees for striking such Jury, but shall also pay all the Expenses occasioned by the Trial of the Cause by such Special Jury, and shall not have any other allowance for the same upon Taxation of Costs than such party would be entitled unto in case the Cause had been tried by a Common Jury.

Jury to be struck, on motion in the Supreme Court, as Special Juries are usually struck in trials at Bar.

Fees and Expenses of Special Jury to be paid by the party applying for the same.

Grand and Petit Jurors to be fined for non-appearance when called.

Grand Juror on Default to be fined not more than 5 pounds, nor less than 40 shillings.

V. *And be it further enacted,* That every Person so summoned as aforesaid to serve as a Grand Juror, and who shall not appear after being openly called three times, upon Oath made by the summoning Officer that such Person so making Default had been lawfully summoned, shall forfeit and pay for such Default such fine, not exceeding the sum of *Five Pounds* nor less than *Forty Shillings*, as the Judge or Judges presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by Oath, Affidavit, or Affirmation, to the satisfaction of the said Judge or Judges: and that every Petit Juror so summoned as aforesaid to attend at any Court of Record in this Island, and making Default on proof so as above set forth, of their being legally summoned, shall forfeit and pay for every such Default the sum of *Five Shillings*, unless some reasonable cause by proof as above directed be assigned, to the satisfaction of the Judge or Judges who sit to try the cause. *Provided always,* That the amount of the said Fines, to be levied on each Petit Juryman for the several Defaults at one Term, shall not exceed the sum of *Three Pounds.*

Amount of Fines for Petit Jurors not to exceed 3*l.*

No Juror liable to be summoned oftener than every third issuable Term.

VI. *And be it further enacted,* That no Grand or Petit Juror shall be liable to be summoned oftener than every third issuable Term.

Members of Council exempted from serving as Jurors.

VII. *Provided always, and be it enacted,* That the Members of His Majesty's Council shall be excused from serving as Jurors.

Limitation of Act.

VIII. *And be it further enacted,* That this Act shall continue and be in force for and during the Term of Three Years from and after the passing thereof, and further until the end of the next Session of the General Assembly, and no longer.

CAP. VI.

An Act to amend and repeal certain parts of an Act intituled *An Act to repeal an Act, made and passed in the Forty-first year of His present Majesty's Reign, intituled "An Act for the better regulation of Elections," and to regulate Elections for Members to serve in General Assembly in future.*

His Majesty's allowance of this Act (passed with a suspending clause) hath not been signified.

CAP. VII.

An Act to regulate the sale of the Interest of Leaseholders, when taken in Execution.

Continued and Amended by 8th Geo. 4th, c. 7.

Preamble.

WHEREAS Leases and Terms for Years in this Island are liable to be sold under Execution, the same as Goods and Chattels, which has often produced great inconvenience—for remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That from and after the passing of this Act, no Leasehold Interest, or Term of Years, in any Lands, Tenements, or Hereditaments, hereafter to be taken in Execution within this Island, shall be exposed to Sale until the expiration of *Six Calendar Months* after the same shall have been so taken in Execution.

No Leasehold Interest, or Term of Years, to be taken in Execution, shall be sold until the expiration of six months. (Altered to 12 months, by 8th Geo. 4th c. 7.

II. *And be it further enacted,* That whenever any Leasehold Interest, or Term of Years, shall be taken in Execution, the Sheriff, Coroner, or other proper Officer, to whom such Writ of Execution shall be directed, shall duly advertise the same for Sale, pursuant to this Act, and in the manner directed by Law, in such cases, respecting Freehold or Real Estates taken in Execution within this Island.

Sheriff, &c. to whom Writ of Execution shall be directed, shall advertise the same for sale.

III. *And be it further enacted,* That if the Premises so taken in Execution, or part thereof, shall

Defendant underletting Premises, named in Execution, whose Term of Years has not expired at the time of levying, under-Tenant to be notified by the Sheriff to attorn and become Tenant to the Plaintiff.

Said Plaintiff before the determination of Suit, to have power to recover Rents payable by Under-Tenant, or so much thereof as will satisfy Execution,

such Under-Tenant to stand discharged from the claims of Defendant for so much Rent as shall be paid, and which shall be received in liquidation of the Levy.

have been previously underlet by the Defendant or Defendants, named in any such Writ of Execution, to any Under-Tenant or Under-Tenants, whose Term or Terms shall not have expired, at the time of such Execution being levied, then the Sheriff, Coroner, or other proper Officer, shall notify such Under-Tenant or Under-Tenants, that he, she, or they must attorn and become Tenants to the Plaintiff or Plaintiffs named in the Writ of Execution; and the said Plaintiff and Plaintiffs shall from thenceforth, until Sale or other sooner determination of the Suit, have the like power and authority to recover and receive the Rents payable by such Under-Tenant or Under-Tenants, or so much thereof as will satisfy the Execution, as the Defendant or Defendants named in such Writ had before; and such Under-Tenant or Under-Tenants shall stand absolutely discharged of and from the Claims of such Defendant or Defendants, for so much Rent as he, she, or they shall pay as aforesaid, and which shall be received in Liquidation of the Levy marked on such Execution.

When Terms of Years are taken in Execution Sheriff to return the Writ within 8 days after levy made.

IV. *And be it further enacted*, That in all Cases where Terms of Years are taken in Execution under or by Virtue of any Writ issuing out of the Supreme Court of Judicature of this Island, or out of any other Court competent, the Sheriff to whom such Writ is directed shall return the same into the said Court from which it issued within Eight Days after the so taking any Term of Years in Execution as aforesaid, notwithstanding any other Return Day in such Writ contained.

Proviso.

Provided, That no Covenant, Agreement, or Proviso, in any such Lease or other Instrument, shall prevent the Interest of any such Leaseholder as aforesaid from being sold in terms of this Act, to pay his or her just Debts; nor shall the Sale thereof, as aforesaid, in any case be a Forfeiture of such Lease, any thing contained in such Lease, or other Instrument, to the contrary notwithstanding.

No sale, as aforesaid, to be a forfeiture of such Lease.

Sheriff, &c. to expose to sale the

V. *And be it further enacted*, That it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, at the time allowed by this Act, to expose

to Sale the Interest of any such Leaseholder as aforesaid, and the same shall thereupon be put up to fair Auction, and shall be sold to the highest Bidder, who shall be declared the Purchaser; and the Sheriff, Coroner, or other proper Officer, shall forthwith execute to such Purchaser, at his (the Purchaser's) Expense, an absolute Deed of Sale, or Assignment, of such Leasehold Interest, reciting therein the Execution under which the same may have been sold; which Deed or Assignment shall be good and sufficient in Law to transfer such Leasehold Interest unto such Purchaser, his Executors, Administrators and Assigns; and it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, after such Deed or Assignment shall have been so executed, to enter into the Premises specified in such Deed or Assignment, and to put the Purchaser into quiet and peaceable possession thereof.

Interest of Leaseholder at Auction.

Sheriff, &c. to execute to Purchaser a Deed of sale.

which shall be good and sufficient in Law to tranfer such Leasehold Interest unto Purchaser.

VI. *And be it further enacted,* That this Act shall continue and remain in force for and during the space of *Seven Years,* from and after the passing thereof, and from thence until the end of the next Session of the General Assembly of this Island, and no longer.

Limitation of Act.

CAP. VIII.

An Act for the better Regulation of Merchant Seamen, and to repeal part of an Act passed in the Fiftieth year of His present Majesty's Reign, intituled *An Act to prevent the Harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent Harbouring Deserters from Ships in the Merchant Service.*

50th Geo. 3d, c. 3.

WHEREAS great loss and damage is frequently occasioned to Trade and Navigation, by Sea-

Preamble.

men deserting their employ, or Voyages they are entered upon, or being taken off from the same by Arrest for Debt, or pretence thereof—for remedy—

No attachment, or Process for Debt, to be served upon any Seaman when engaged in a Voyage.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That if any Inn-keeper, or Seller of Rum, and other strong Liquors, Shop-keeper, or any person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the knowledge and allowance of the Master or Commander thereof, in any sum of Money, no Capias, Arrest, or any other process for any Debt so contracted, without the knowledge and allowance as aforesaid, shall be granted against or served upon the Person of such Mariner or Seamen, until he shall have performed the Voyage he is then entered upon, and be discharged of the same; and every Process issued contrary to this Act shall be deemed and adjudged utterly void in Law; and any one Justice of the Court from whence such Process shall issue, to whom it shall be made to appear that any Mariner or Seaman is committed or restrained upon Process granted for any such Debt, or Pretence of Debt, made whilst he was engaged and actually entered and in pay on any Voyage, shall forthwith order his Release, upon filing common Bail to the Action.

Any Person hiring or concealing any Seaman or other Person, who shall have signed any former Contract, knowing him to have deserted from any Vessel, to forfeit 20*l.*

II. *And be it further enacted,* That if any Master or Commander of any Ship or Vessel, or any other Person or Persons, shall hire or engage, harbour or conceal any Seaman, Mariner, or other Person, who shall have signed any former Contract or Articles, knowing him to have deserted from any Ship or Vessel within this Colony, every such Master, Commander, or other Person or Persons so offending, and being thereof convicted, shall forfeit and pay the sum of *Twenty Pounds,* to the use of the party aggrieved, to be sued for in any Court of Record proper to try the same, in which Action or Suit the Defendant or Defendants may be held to Special Bail, on an Affidavit being duly made and filed of the cause

of Action; and such Seaman, Mariner, or other Person, who shall desert at any time during the Voyage on which he is engaged by written Contract, or Articles, shall, over and above all Penalties and Forfeitures to which he is now by Law subject, forfeit all the Wages he may have agreed for or be entitled to during the Voyage, from the Master or Owner of the Ship or Vessel on board of which he shall have entered after such Desertion, to the use of the Owner or Owners of such Ship or Vessel as he shall have deserted from.

Any Seaman deserting during the Voyage, to forfeit, over and above the Penalties, all the Wages he may be entitled to during that Voyage, to the use of the Owners.

III. *And be it further enacted*, That if any Mariner or Seaman having shipped himself on board any Ship or Vessel which hath been Launched or is actually preparing for Sea, to proceed on any Voyage and under pay, shall neglect his attendance and duty on board, or absent himself from his said service, upon complaint thereof made on Oath by the Owner, Master, or other Officer of the said Ship or Vessel, to any Justice of the Peace within the same County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by Warrant, and upon Conviction of his absenting himself as aforesaid, to commit to Prison, that he may be secured and forthcoming to proceed on the Voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same County; and all necessary charges attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner or Seaman's Wages, as the same becomes due.

Seamen neglecting their attendance and duty when engaged,

Penalty.

IV. *Provided always*, That no Seaman shall be bound, by entering or shipping himself on board of any Ship or Vessel, unless the Agreement shall be in writing, and declare what Wages such Seaman is to have for so long a time as he shall Ship himself for, and also express the Voyage or Time for which such Seaman was shipped, any thing herein before to the contrary notwithstanding.

Proviso.

Seaman not bound unless Agreement be in writing.

Repealing Clause.

V. *And be it further enacted,* That so much and such part of an Act of Assembly of this Island, made and passed in the Fiftieth year of His present Majesty's Reign, intituled *An Act to prevent the Harbouring Deserters from His Majesty's Navy or Army, and for giving a reward for apprehending Deserters; and to prevent Harbouring Deserters from Ships in the Merchant Service,* as relates to Merchant Seamen, be and the same is hereby repealed.

Limitation of Action.

VI. *And be it further enacted,* That no Action or Suit for any Penalty inflicted by this Act, shall be commenced after the expiration of Two Years from the time when the offence was committed.

CAP. IX.

An Act for Barring Estates Tail.

Preamble.

WHEREAS there is no Law in this Island whereby Estates Tail, or in Reversion, or Remainder, may be Barred or defeated, or enlarged, into Estates in Fee Simple, other than by levying Fines, or by suffering common Recoveries, the Process of which, and of making and executing Deeds to lead to the uses, or to declare the uses of such Recoveries, are attended with heavy expense, and with delays that are often injurious.

Deeds made and executed of Lands and Tenements by Tenant in Tail, acknowledged before Chief Justice, &c. shall be as valid in Law,

to pass all Estate, right, title, &c. of the party to such Deed,

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly* of this Island, and by the authority of the same, That a Deed in due form of Law made and executed, of any Lands, Tenements, or Hereditaments, within this Island, by any Tenant in Tail, acknowledged before the Chief Justice, or any of the Assistant Judges of the Supreme Court of Judicature of this Island, shall, to all intents and purposes, be as effectual and valid in the Law, to pass all Estate, Right, Title, Interest, and claim of the party to such Deed, in or to such Lands, Tenements, and Hereditaments, by such Deed granted, conveyed, or made over to the Grantee or Bargainee in such Deed made over, his Heirs and Assigns, and to

defeat, extinguish, cut off and destroy, all Estates Tail, Remainders and Reversions, touching and concerning such Lands, Tenements and Hereditaments, as if the party so granting or conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements, and Hereditaments, according to the Laws of England, duly levied in the Court of Common Pleas at Westminster, with Deeds properly executed, to lead the uses or declare the uses of such Fine or Recovery of Lands, Tenements, and Hereditaments, lying and being in England. *Provided always*, That where such Deed of Conveyance shall be executed by *Baron* and *Feme*; of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form and manner provided by an Act of the General Assembly of this Island, of the Thirty-sixth year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Coverture;* and such Deed of Conveyance so acknowledged shall be as good and valid in Law as if the same had been made by a *Feme sole*, or as if such Married Woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of Great Britain called England, and shall effectually Bar her Dower in such Lands, Tenements and Hereditaments.

as if the party so granting or conveying had levied a Fine with Proclamation, or suffered a common recovery of such Lands, &c. according to the Laws of England.

Proviso.

Where Deed of Conveyance shall be executed by BARON and FEME, to be acknowledged in manner provided by an Act of this Island;

and to be as valid in Law as if the same had been made by FEME SOLE.

II. *And be it further enacted, by the authority aforesaid*, That all Deeds in due form of Law made and executed in Great Britain or Ireland, or in any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments in this Island, by Tenant in Tail, and acknowledged within Three Months of the time of executing the same, before any one of the Justices of the Court of Common Pleas in England or Ireland, or any one of the Lords of Session in Scotland, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, shall be as effectual

All Deeds, &c. how to be executed and acknowledged by Tenant in Tail out of this Island.

and valid in the Law to pass all Estate, Right, Title, Interest, and claim of the Party to such Deed in or to such Lands, Tenements and Hereditaments, by such Deed or Conveyance granted, made over, or conveyed, to the Grantee or Bargainee in such Deed made over, and his Heirs and Assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders or Reversions, touching or concerning such Lands, Tenements and Hereditaments, as if the Party so granting and conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements, and Hereditaments, according to the Laws of England, duly levied in the Court of Common Pleas at Westminster, with Deeds properly executed to lead the uses or declare the uses of such Fine or Recovery of Lands, Tenements and Hereditaments lying and being in England. *Provided always*, that when such Deed of Conveyance shall be executed by *Baron* and *Feme* in Great Britain or Ireland, or any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form provided by the aforesaid Act of the General Assembly of this Island, made and passed in the Thirty-sixth year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Coverture;* and such Acknowledgment may be taken within Three Months of the time of executing the same, before any one of the Justices of His Majesty's Court of Common Pleas in England or Ireland, or any one of the Lords of Session in Scotland, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, or any Justice of the Peace in Great Britain or Ireland, or the Colonies; and such Deed of Conveyance so acknowledged shall be as good and valid in the Law as if the same had been made by a *Feme sole*, or as if such Married Woman had joined in levying a Fine according to the Law and Practice in that behalf made and used in that part of Great Britain call-

Proviso.

ed England, and shall effectually *Bar* her *Dower* in such Lands, Tenements and Hereditaments.

III. *And be it further enacted*, by the authority aforesaid, That no Deed or Instrument executed as aforesaid, shall have any force or effect excepting against the party granting it, until the same, or a Memorial thereof, shall be duly Registered in the proper Office for Registry of Deeds within this Island.

Deed or Instrument executed as aforesaid to be Registered.

Anno Primo Regis Georgii IV.

1820.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Twenty-fifth day of July, Anno Domini One Thousand Eight Hundred and Twenty, and in the First year of the Reign of our Sovereign Lord GEORGE the FOURTH, of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Eleventh General Assembly convened in the said Island.

C. DOUGLAS SMITH, Lt. Governor.

THOS. TREMLETT, President of Council.

ANGUS M'AULAY, Speaker.

CAP. I.

An Act for more effectually securing the TITLE of PURCHASERS and INCUMBRANCERS of REAL ESTATES against CLAIMS of DOWER.

This Act disallowed by His Majesty in Council, 9th June, 1821.

CAP. II.

See 6th Geo. 4th, c. 1.

An Act to continue an Act to Enable Creditors more easily to recover their Debts from Co-partners and Joint Debtors.

Act to continue for Five Years, and to the end of the then next Session of General Assembly.

WHEREAS the said Act is nearly expired: *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That the said Act, intituled *An Act to enable Creditors more easily to recover their Debts from Co-partners and Joint Debtors,* and every clause, matter, and thing therein contained, be, and the same is hereby continued in full force and effect, for and during the space of *Five Years,* from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. III.

For Acts in continuation of this Act, see 6th Geo. 4th, c. 2; and 3d Will. 4th, c. 6.

An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.

All Ton Timber for exportation to be straight lined, and well squared, &c.

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing hereof, all hewed Ton Timber, made for Exportation, shall be straight lined, well squared, square butted at both ends, and shall be free from all marks of Scoring, Rots, Splits and Worm holes, which may be detrimental to the same, and shall not have more than one perpendicular Inch of Wain, upon an average, thereon.

II. *And be it further enacted, by the authority aforesaid,* That no Pine, Spruce, or Hemlock Ton Timber shall be less than *twelve feet* in length, nor any Birch or other Hard Wood, less than *ten feet* in length; nor shall any Ton Timber be considered Merchantable unless the same shall square *eleven inches* at least: And when the Timber shall not exceed the length of *sixteen feet* it shall be of equal dimensions at both ends.

What shall be deemed Merchantable Timber.

III. *And be it further enacted,* That all Boards, Plank, and Scantling, for Exportation, shall, before they are Shipped, be Surveyed by a sworn Surveyor: and all Merchantable Boards and Plank shall be square edged and of equal thickness throughout, and shall not have any Rots, Splits, or knot holes therein, and shall have the full Contents marked thereon; and that all Scantling, whether sawed or hewed, shall be sound, properly squared, parallel and square butted, and shall have the Contents in running feet marked on each piece.

Boards, Plank and Scantling for exportation to be surveyed before shipped, and contents marked on each piece.

What shall be deemed Merchantable.

IV. *And be it further enacted,* That all Shingles, which may hereafter be exposed for Sale of the length of *eighteen inches,* shall be of Pine or Cedar Wood, and free from Sap, Shakes, and Worm holes, at least *four inches* broad, upon an average, well shaved, and at least *three eighths* of an inch thick at the butt end; and all Shingles of the length of *three feet* shall be at least *four inches* broad, and *half* an *inch* thick at the butt end, each Bundle shall be *twenty inches* broad, and shall have *twenty-five* Courses at each end: And all unmerchantable Shingles found in such Bundles shall be burnt, and the residue thereof be sold at Public Auction, and the Money arising from such Sale shall be returned to the Owner, first deducting therefrom the charge of Culling, Surveying, Telling, and Selling.

What shall be deemed Merchantable Shingles;

how unmerchantable Shingles shall be disposed of.

V. *And be it further enacted,* That all Wood designed for Fuel, commonly called Cord-Wood, which may hereafter be exposed for Sale in this Island, shall be at least *four feet* long, each Stick,

What shall be deemed Merchantable Cord-wood for Fuel, if found deficient to be forfeited.

counting half the Scarff, *four feet* high, *eight feet* long, well piled, of good and sound Hard-Wood; and so much of the same as shall be found deficient in quality shall be forfeited.

Governor, &c. to appoint Surveyors who shall be sworn.

VI. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint as many fit and proper Persons to be Surveyors as he may deem expedient to carry the purposes of this Act into full effect; and the said Surveyors so appointed shall take the following Oath, viz.

Form of Oath.

"I A. B. do swear, that I will diligently and "faithfully discharge and execute the Office of "Surveyor of Lumber, for the whole time I may "continue in my said Office, according to Law, "without fear, favour, or affection."

Allowance to Surveyors, one half to be paid by the seller, the other half by the purchaser.

VII. *And be it further enacted*, That the Surveyors of Timber shall be entitled to receive *two pence* per Ton for surveying the same, *three pence* per Mile for every Mile they shall necessarily travel, in coming to or going from the place of performing such duty, and at the rate of *five pence* for every One Thousand Shingles surveyed, and at the rate of *Two Shillings* for every One Thousand Feet of Boards or Plank, and at the rate of *two pence* for every One Hundred feet of Scantling, and at the rate of *six pence* per Cord for every Cord of Hard-Wood surveyed: and such Surveyor shall in all cases measure Ton Timber by the Girth, one quarter part of the Girth to be taken as the side of the square—One half of the said Fees to be paid by the Seller, and the other half by the Purchaser.

Ton Timber to be measured by the girth.

Penalties on Surveyors acting contrary to this Act.

VIII. *And be it further enacted*, That if any Surveyor, after the passing of this Act, shall certify any Timber, Boards, Plank, Scantling, Shingles, or Cord-Wood, contrary to this Act, shall forfeit for every Ton of Timber the sum of *Ten Shillings*; for every One Thousand feet of Boards the sum of *Forty Shillings*; for every One Hundred feet of Scantling the sum of *Five Shillings*; and

for every One Thousand Shingles, the sum of *Five Shillings*; and for every Cord of Cord-Wood the sum of *Five Shillings*.

Provided Always, That nothing in this Act contained shall extend to such Timber as shall have been proved on Oath of one credible Witness to have been cut down and hewed on or before the passing of this Act.

Proviso.

IX. *And be it further enacted*, That all Fines and Forfeitures incurred under and by virtue of this Act, shall be recovered, if under *Five Pounds*, before one or more of His Majesty's Justices of the Peace; and if above *Five Pounds*, by Bill, Plaint or Information, in any Court of Record in this Island.

Fines and forfeitures how recoverable.

Provided, That all Offences committed against the Provisions of this Act, shall be prosecuted within *Six Months* after the time the Offence shall have been committed.

Prosecutions to be within six Months.

X. *And be it further enacted*, That an Act made and passed in the Fourteenth year of His late Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same*; and also an Act made and passed in the Fifty-seventh year of His late Majesty's Reign, intituled *An Act for repealing certain parts of an Act made and passed in the Fourteenth year of His present Majesty's Reign, intituled "An Act for regulating the measure of Boards and all other kinds of Lumber, and for appointing Officers to survey the same," and for declaring what shall be deemed Merchantable Timber for Exportation;"* and every clause, matter, and thing therein contained, be and the same are hereby repealed.

14th Geo. 3d, c. 3, also 57th Geo. 3d, c. 5, repealed.

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

Act to continue for Five Years, &c.

Anno Quinto Regis Georgii IV.

1825.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, on the Fifteenth day of January, Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. being the First Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

C. WORRELL, President of Council.

JOHN STEWART, Speaker.

CAP. I.

An Act to establish a Reward for the killing of BEARS and LOUPCERVIERS.

Expired.

CAP. II.

Expired.

An Act for the preservation of Oysters.

CAP. III.

Continued for 10 years by 9th Geo. 4th, c. 2.

An Act to amend certain parts of an Act, intituled, *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town,* by the appointment of Hog Reeves.

20th Geo. 3d, c. 6.

WHEREAS the before mentioned Act, as far as respects the running at large of Hogs through the Streets of Charlotte-Town, has been found inefficient, inasmuch as no provision is made in and by the said Act for the appointment of Hog Reeves.

Lt. Governor, on first Monday in January in each year to appoint four Hog Reeves for Charlotte-Town.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful to and for his Excellency the Lieutenant Governor, from and immediately after the passing hereof, and on the first Monday in January in each year hereafter, to nominate and appoint Four fit and proper Persons within the said Town of Charlotte-Town, to be Hog Reeves within the said Town;

Person refusing to serve shall forfeit 5*l.*

and the Person or Persons who shall refuse to serve in the said Office, shall forfeit and pay the sum of *Five Pounds* each, to be recovered before any Two of His Majesty's Justices of the Peace for the said Town, and to be levied by Warrant of Distress and Sale of the Goods and Chattels of such Person or Persons so refusing to serve in the said office: and the Lieutenant Governor is hereby authorised to nominate and choose other Persons to serve in their stead.

Hog Reeve shall seize all Hogs

II. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for any of the said Hog Reeves to seize and take up,

or cause to be taken up, all Hogs found at large in Charlotte-Town, and to sell and dispose of the same at Public Auction; and all Persons obstructing, by any way or manner whatsoever, the said Hog Reeves in the execution of their duty, shall forfeit and pay a Fine, not exceeding *Five Pounds* nor less than *Forty Shillings*, to be recovered before any one of His Majesty's Justices of the Peace, and to be levied of the Offender or Offenders' Goods and Chattels, by Warrant of Distress; and in the event of the Offender or Offenders not having Goods and Chattels whereon to levy the said Fine, then the said Justice of the Peace is hereby authorised and empowered to commit the said Offender or Offenders to the Gaol of Charlotte-Town, for a space not exceeding *thirty days*, nor less than *fourteen*.

found at large in Charlotte-Town, and sell same at Auction.

Persons obstructing Hog Reeves in the execution of their duty shall forfeit and pay not more than 5*l.* nor less than 2*l.* or be imprisoned for not more than thirty days nor less than fourteen.

III. *And be it further enacted, by the authority aforesaid*, That the Owner or Owners of all Hogs found running at large within the said Town shall, over and above the Forfeiture of such Hogs, pay a Fine of *Twenty Shillings* for every such Hog so found running at large, to be recovered before any one of His Majesty's Justices of the Peace for the said Town, and to be levied by Warrant of Distress of the Goods and Chattels of such Owner or Owners.

Hogs found running at large to be forfeited, and Owners to pay a fine of 20s.

IV. *And be it further enacted, by the authority aforesaid*, That if the said four Persons, or any of them, so to be appointed Hog Reeves within the said Town, shall neglect or refuse to perform the duties of the said office, by taking up all Hogs found running at large within the said Town, and disposing of the same in the manner hereinafter prescribed, and prosecuting the Owner or Owners of such Hogs, in the manner herein before mentioned, every Hog Reeve so neglecting or refusing to perform such duties, shall forfeit and pay the sum of *Forty Shillings*, to be recovered in manner last aforesaid.

Hog Reeves who shall neglect or refuse to perform their duty as aforesaid, shall forfeit 40s.

V. *And be it further enacted, by the authority aforesaid*, That all Fines and Forfeitures recoverable under and by virtue of this Act, after

Forfeitures how to be applied.

deducting all Costs and Expenses incurred, shall be disposed of in manner following: one half to the Hog Reeve, and the remaining moiety to be paid unto the Treasurer of this Island, to be applied towards the keeping in repair the Public Pumps and Wells of Charlotte-Town.

Act to continue for three years.

VI. *And be it further enacted, by the authority aforesaid*, That this Act shall continue and be in force for *Three Years*, and from thence to the end of the next Session of the General Assembly.

CAP. IV.

Executed.

An Act for the relief of Michael Burk, an Insolvent Debtor.

CAP. V.

Continued and Amended by 9th Geo. 4th, c. 4. Repealed by 11th Geo. 4th, c. 3.

An Act for the Encouragement of Education in the different Counties and Districts in this Island.

CAP VI.

See 9th Geo. 4th, c. 6.

An Act to revive and continue an Act intituled, *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.*

CAP. VII.

Continued for 10 years by 9th Geo. 4th, c. 2.

An Act to continue an Act intituled *An Act for regulating Juries, and further declaring the Qualifications of Jurors.*

Preamble.

WHEREAS the above recited Act is near expiring, and the same has been found useful; and it is thought expedient that it be further continued;

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, the said Act, intituled *An Act for regulating Juries and further declaring the qualifications of Jurors,* be and the same is hereby continued in full force and effect for the space of *Three years,* and from thence to the end of the next Session of the General Assembly, and no longer.

Act of 59th Geo. 3d, c. 5, continued for 3 years.

CAP. VIII.

An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings.

Continued by 9th Geo. 4th, c. 7. Repealed by 3d Will. 4th, c. 27.

CAP. IX.

An Act to prevent the using or taking away Boats, Flats, or Canoes, without the consent of the Owners.

See 33d Geo. 3d, c. 1, s. 40.

Be *it enacted, by the Lieutenant Governor, Council and Assembly,* That any person or persons who shall, after the passing of this Act, use or take away any Flat or Canoe, or any Boat of fourteen feet of keel, or under, fastened or moored at any place within this Island, without any felonious intent, and without the consent of the Owner or Owners of the same, shall, on Proof of such using and taking away, before any one of His Majesty's Justices of the Peace for this Island, forfeit and pay to the Owner, for each such offence, the sum of *Twenty Shillings,* over and above any Loss or Damage sustained by the said Owner or Owners; to be recovered before the said Justice of the Peace, if laid at Five Pounds or under, with reasonable costs; and if above Five Pounds, to be recovered in the Supreme Court of Judicature.

Persons taking away any boat, &c. of 14 feet keel or under, from fastening or mooring, without consent of Owner, shall forfeit and pay for each offence 20s. over and above any loss or damage sustained by Owner.

How to be recovered.

CAP. X.

An Act to prevent the destruction of Sheep by Dogs.

Dog killing any Sheep or Lamb, Owner shall cause the same to be killed, and be liable to pay the full value of Sheep or Lamb.

Mode of recovery.

Provided sum does not exceed 5*l*.

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That if any Dog or Dogs shall kill any Sheep or Lambs within this Island, the Owner of such Dog, upon complaint and conviction thereof before any Justice of the Peace, shall cause the same to be immediately killed, and shall be liable to pay the Owner of such Sheep or Lambs the full value thereof, to be recovered before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, who is hereby authorised finally to determine the same, provided the sum so to be recovered does not exceed the sum of *Five Pounds;* and on non-payment thereof within three days after judgment shall be given, to issue his Warrant to the next Constable, to distrain so much of the Offender's Goods and Chattels as may be sufficient to discharge the same, with the Charges arising thereby, and to sell such Goods at Public Auction, returning the overplus (if any there be) to the Owner or Owners thereof.

Owner of Dog killing Sheep refusing to kill such Dog, liable in a penalty of 5*l*. to be recovered before one Justice of Peace, or be imprisoned not exceeding one month.

II. *And be it further enacted, by the authority aforesaid,* That in every case where the owner of a Dog shall neglect or refuse to kill such Dog so having killed a Sheep as aforesaid, he shall be liable in a penalty of *Five Pounds,* to be recovered before any one of His Majesty's Justices of the Peace, to be levied by Warrant of Distress on his Goods and Chattels; and if such Person shall have no Goods or Chattels whereon the said Penalty may be levied, then such Person shall suffer Imprisonment, for a period not exceeding one Month, or less than fourteen Days; such Fine to be paid, one half to the Informer, and the other to the Public Treasury of the Island.

Act to be in force three years.

III. *And be it further enacted,* That this Act shall continue and be in force for three years, and

from thence to the end of the then next Session of the General Assembly.

Continued by 9th Geo. 4th, c. 2.

CAP. XI.

An Act to regulate the Duties and Charges of Pilots within this Island.

Preamble.

WHEREAS no Provision has been made for the Appointment and Regulation of Pilots: for remedy whereof,

Lt. Governor may on recommendation of resident Magistrates, &c. appoint Pilots.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, on recommendation of the resident Magistrates and Merchants, to appoint one or more fit and proper person or persons to act as Pilots for the Harbour or Harbours from whence such person or persons shall or may be recommended.

Pilots to provide sufficient boats to board Vessels at sea.

Rates of Pilotage for Harbours on the South side.

II. *And be it further enacted,* That every Pilot so appointed shall provide himself with a good and sufficient Boat, fit to board a Vessel at Sea; and that from and after the first day of May next, no Pilot for the Harbours on the South side of the Island shall be entitled to demand more than the following rates of Pilotage, that is to say, for every Ship or Vessel boarded at Sea, or without the Harbour, the sum of four shillings per foot, for each and every foot of water the said Ship or Vessel shall draw; and for every Ship or Vessel boarded within the Bar or Harbour, one-third the said Pilotage: and for every Ship or Vessel outwards, the sum of three shillings and six-pence per foot, for each and every foot of water which the said Ship or Vessel may draw: And for all Harbours on the North side of the Island, the sum of five shillings per foot to the place of destination, provided such Ship or Vessel shall be boarded without the Bar of such Harbour; and in case such Ship or Vessel shall be boarded within the Bar of

Rates for North side.

such Harbour, then one-third part of the said Pilotage; and a further sum of five shillings per foot outwards from the place of loading.

Not to extend to Coasters.

Provided always, That nothing herein contained shall extend, or be construed to extend, to the compelling the Masters or Owners of coasting Vessels to pay Pilotage, unless a Signal be made for, or the Pilot requested to take charge of such Vessel.

Act to be in force 5 years. Continued by 11th Geo. 4th, c. 1.

III. *And be it further enacted*, That this Act shall continue and be in force for and during the space of five years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XII.

An Act to regulate the Fisheries of this Island.

Preamble.

WHEREAS the great advantages to be derived from the Fisheries of this Island have been hitherto neglected, and Merchants and others discouraged from engaging in the same, through the want of such Laws and Regulations as are expedient for the conducting and carrying on of such Fisheries:

All Persons engaging Servants in the fishery to enter into agreement in writing, declaring wages and term of service.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That no person or persons whatsoever shall employ, or cause to be employed, in this Island, or the Dependencies thereof, for the purpose of carrying on the Fishery, any Seaman, Fisherman, or other Servant, without first entering into a written agreement or contract, with every such Seaman, Fisherman, or other Servant, declaring what Wages or Shares such Seaman, Fisherman, or other Servant is to have, and the time for which he shall serve, and in what manner such Wages or Shares are to be paid or allowed; and in all cases where disputes shall arise concerning the Wages or Shares of any such Seaman, Fisherman, or other Servant, the Hirer or Employer shall be obliged to produce such contract or agreement; and

Where disputes arise, agreement must be produced.

also at the time of entering into such contract, to give a copy thereof to every such Seaman, Fisherman, or other Servant; and in case such Hirer or Employer shall hire or employ any Seaman, Fisherman, or other Servant, without first entering into such agreement, he shall forfeit for each offence the penal sum of *Ten Pounds*, to and for the use of His Majesty's Government.

Hirer employing servant without written agreement to forfeit 10*l* to use of Government.

II. *And be it further enacted*, That all the Fish and Oil which shall be taken and made by the person or persons who shall so hire or employ such Seamen, Fishermen, or other Servants, shall be liable and subject, in the first place, to the payment of the Wages or Shares of every such Seaman, Fisherman, or other Servants, employed in or about the Fishery, and of the demands of such person or persons as shall *bona fide* supply Bait to such Seaman or Fisherman.

Fish and oil made subject first to payment of servants wages or shares,

and to demands of supplies of bait.

III. *And be it further enacted*, That every Creditor for Supplies necessary and furnished *bona fide* for the Fishery of the current season, shall be considered a preferable Creditor, and shall first be paid *Twenty Shillings* in the pound, so far as the Vessels Boats, Fishing Tackle, Fish and Oil of any person or persons to whom such Supplies are furnished, which may be realized within this Island or its Dependencies, will go.

Creditors furnishing supplies for fishery of current year to be a preferable creditor on Vessels, Boats, Fishing Tackle, Fish and Oil.

Provided always, That nothing in this Act contained shall affect the prior claims of Seamen, Fishermen, and other Servants actually employed in the catching and curing of Fish and Oil, upon all Fish and Oil caught by the Hirers and Employers of such Seamen, Fishermen, or Servants, or the Produce or Value thereof.

Proviso; not to affect claims of fishermen or other servants.

IV. *And be it further enacted*, That in case such Seaman or Fisherman shall at any time wilfully absent himself from his duty or employ without the consent of his Hirer or Employer, or shall wilfully neglect or refuse to work according to the true intent and meaning of his said contract or agreement, such Seaman, Fisherman, or other Servant, shall, for every day he shall so absent himself, or neglect

Seamen, fishermen, or servants, absenting themselves without leave, how to be punished.

or refuse to work as aforesaid, forfeit any number of days pay or shares not exceeding fifteen, to such Hirer or Employer; And if any such Seaman or Fisherman shall wilfully absent himself from his said duty or employment for the space of two days, without such leave as aforesaid, he shall be deemed a Deserter, and shall forfeit such Wages or Shares as may be due to him at the time of such desertion; and it shall and may be lawful for any Justice or Justices of the Peace of this Island, or the Dependencies thereof, to issue his Warrant or Warrants to apprehend every such Deserter and on the Oath of one or more credible Witness or Witnesses, to commit him to Prison, there to remain for any time not exceeding three Calendar Months.

Justice of Peace may issue warrant to apprehend and imprison deserters.

V. *And be it further enacted,* That no Tavern-keeper, or other Person, shall secrete, harbour, or entertain, or vend Liquor to any Seaman, Fisherman, or other Servant employed in the Fishery, without the consent of the Hirer or Employer of such Seaman, Fisherman, or other Servant, during the fishing season, under a penalty of *Forty Shillings* for every offence; to be recovered by one or more Justices of the Peace, to and for the use of His Majesty's Government.

Tavern-keepers, &c. shall not secrete, entertain, or vend liquor to servants in the fishery, without consent of employer, under penalty of 40s. for each offence.

VI. *And be it further enacted,* That during the fishing season, such Seamen, Fishermen, or other Servants, as are actually engaged in the said Fishing, shall be privileged from Arrest for Debt, or from being taken in Execution; and that the property actually embarked in the said Fishery shall not be liable to Attachment or Execution during the current fishing season; and also that no such Seamen, Fishermen, or other Servants, shall be called on to attend Militia services during the said fishing season, any Law, Usage, or Custom to the contrary notwithstanding.

Fishermen and other servants in fishery, privileged from arrest or execution, and property embarked in fishery not to be taken in execution or attached during current fishing season.

VII. *And be it further enacted,* That whenever any Ship or Vessel shall be cleared out from any Port in this Island for the Fisheries on the Coasts of this Island, or for the Fisheries within the Gulf

Vessels cleared out for fishery within the Gulf or

of Saint Lawrence, or on the Coasts of Cape Breton, Nova Scotia, or Labrador, without having on board any article of traffic (except only such Provisions, Nets, Tackle, and other things as are usually employed in and about Fisheries,) the Master of any such Ship or Vessel shall be entitled to demand from the Collector or other principal Officer of His Majesty's Customs at such Port, a Certificate under his hand, that such Vessel has been specially cleared out for the said Fishery, and such Certificate shall be in force for the fishing season of the year in which the same may be granted, and no longer: and all Ships or Vessels having on board any such Certificate as aforesaid, and being actually engaged in the Fisheries, or in carrying coastwise to be landed or put on board any other Ship or Vessel engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other necessaries for the use and purposes thereof, shall be exempt from all obligation to make any Entry at, or obtain any Clearance from any Custom-House in this Island, upon entering the Ports or Harbours of the same, or its Dependencies, during the continuance of the fishing season for which Certificates may have been granted: *Provided nevertheless*, That whenever any such Ship or Vessel as aforesaid, shall finally quit the said Fishery for any country or place, not being within this Colony, or the Dependencies thereof, such Ship or Vessel shall obtain the usual Clearance from the principal Officer of His Majesty's Customs at some Port in this Colony.

coasts of Cape Breton, Nova-Scotia or Labrador, Master entitled to demand certificate thereof,

to be in force for the whole fishing season,

and vessels having such certificate may carry coastwise, fish, oil, salt, and supplies for fishery free of Custom House entry or clearance.

Proviso, that ships finally quitting the fishery for any other country, shall clear out at Custom-House as usual.

VIII. *And be it further enacted*, That the current fishing season of the year commences on the fifteenth day of April, and ends on the first day of November.

Fishing season begins 15th April, and ends 1st November.

IX. *And be it further enacted*, That this Act shall continue in full force and effect for and during the space of *three years*, and from thence to the end of the then next Session of the General Assembly.

Act in force for 3 years, Continued for 10 years by 9th Geo. 4th, c. 2.

CAP XIII.

Continued by 9th Geo. 4th, c. 2. Repealed and re-enacted with amendments, by 3d Will. 4th, c. 27.

An Act for summary punishment in certain cases of persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property.

CAP. XIV.

Acts which continue and amend this Act, 9th Geo. 4th, c. 9, and 1st Will. 4th, c. 11. Repealed by 2d Will. 4th, c. 2.

An Act to limit and ascertain the Jurisdiction of Justices of the Peace in matters of Small Debt.

CAP. XV.

Revived and continued by 3d Will. 4th, c. 3.

An Act to prevent the running at large of Sheep in the Town of Charlotte-Town.

Preamble.

WHEREAS the running at large of Sheep in the Town of Charlotte-Town has of late become a very serious injury to the inhabitants, by reason of the quantities of Sheep kept by Butchers and others:

Sheep at large in Charlotte-Town may be taken up. Owner of Sheep to pay the taker 2s. for each Sheep so taken.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing of this Act, it shall and may be lawful for any person or persons to take up any Sheep found at large in the Town of Charlotte-Town; and the person or persons who shall or may take up such Sheep, shall, on giving notice to the Owner or Owners, be entitled to the sum of *two shillings* for every Sheep so taken up; the same to be recovered of such Owner or Owners, on complaint duly made before any of His Majesty's Justices of the Peace for the said Town.

How to be recovered.

If owner of Sheep be unknown, then taker to advertise

II. *And be it further enacted, by the authority aforesaid,* That if the person or persons so taking up said Sheep shall not happen to know who the Owner or Owners thereof is or are, in order to give him, her, or them, the aforesaid notice, then it shall and

may be lawful to and for such person or persons (who is or are hereby required so to do) immediately to describe such Sheep, by an Advertisement posted up at three of the most public places in Charlotte-Town: and if the said Sheep shall not have been claimed by the Owner or Owners thereof within four days from the posting up of such Advertisement, the same to be publicly sold by virtue of an order first obtained from a Justice of the Peace for that purpose, and which said Justice is hereby authorised and required, on application to him made by the person or persons so taking up such Sheep, to grant and make such order accordingly; and one fourth part of the produce of the sale of such Sheep shall thereupon be paid to the person or persons who have taken up the same, and the remainder shall be paid into the public Treasury of this Island, to be appropriated to keeping in repair the Pumps and Wells of Charlotte-Town, deducting therefrom the Expenses incurred by the Proceedings taken thereupon.

Sheep at three public places in Charlotte-Town;

if Sheep be not claimed in 4 days taker may obtain order for their sale from Justice of Peace.

Proceeds of Sale, how to be disposed of.

III. *And be it further enacted,* That this Act shall continue and be in force for the space of three years, and from thence to the end of the next Session of the General Assembly, and no longer.

Act to be in force for 3 years.

CAP. XVI.

An Act to provide a Remedy for Injuries arising from improper Burning of Woods.

Amended by 1st Will. 4th, c. 6.

WHEREAS the practice of setting Fire to Woods at improper seasons, and the carelessness and improvidence with which Fires in the Forest are often managed, has already destroyed much valuable Property, and unless restrained, threatens ruin and destruction to the Woods in this Island:

Preamble.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any Person who shall set fire to the Woods, at any time of the

Persons setting fire to Woods and injuring the

Woods or property of another, to answer in damages the party injured, and also pay a fine of 5*l*.

year, and thereby injure the Woods or Property of another, the Person so causing such Injury shall be liable in Damages to the person so injured; and shall also be liable to the payment of a Fine of *Five Pounds* for each and every such offence; to be recovered before any one of His Majesty's Justices of the Peace—one half whereof shall be paid to the Person who sues for the same, and the other half to the Overseer of Highways within whose Precinct the Fire shall have been raised.

Mode of recovery.

CAP. XVII.

An Act to enable the Justices of the Peace for the Counties of King's County and Prince County to commit Debtors under the Small Debt Act, and also persons charged with Criminal Offences, to the Gaol in Charlotte-Town.

Preamble.

WHEREAS there does not at present exist any Law whereby the Justices of the Peace for the said Counties are authorised to commit Debtors or Criminals to the Gaol in Charlotte-Town:

Justices of Peace in King's and Prince Counties may commit offenders to Charlotte-Town Gaol, and also Debtors in execution under small Debt Act.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That until Gaols shall be erected in the said Counties of King's County and Prince County, it shall and may be lawful for the Justices of the Peace within the said Counties to commit all Offenders, or Persons charged with criminal offences, to the Gaol in Charlotte-Town, and also Debtors charged in Execution under the Small Debt Act; and the Gaoler or Keeper of the said Gaol is hereby required to pay due obedience to all such Commitments or Executions.

CAP. XVIII.

An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

For Acts in addition to or Amendment of this Act, see 6th Geo. 4th, c. 12. 9th Geo. 4th, c. 1. 11th Geo. 4th, c. 16. 1st Will. 4th, c. 15. 3d Will. 4th, c. 13.

Be *it enacted by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to appoint, as soon as may seem to him necessary, Three fit and proper Persons to be Commissioners for the purpose of issuing Treasury Notes, to any amount not exceeding Five Thousand Pounds; and that such Notes shall be issued in three equal Shares and Proportions in value, of Notes of the value of Five Pounds, Two Pounds, and One Pound; and which Notes shall be signed by the said Commissioners, and countersigned by the Treasurer, and shall be in the Words and Figures following, to wit:

Lt. Governor may appoint three Commissioners to issue Treasury Notes,

not exceeding 5000*l*, in equal proportions of Notes of 5*l*, 2*l*, and 1*l*—to be signed by Commissioners and countersigned by Treasurer.

"No.

"Prince Edward Island,
Charlotte-Town, 1825.

"By Law, the Bearer of this Note is entitled to "receive at the Treasury the sum of ."

Form of Note.

And the said Commissioners are hereby authorised and required to direct the printing or engraving of such Notes, and to superintend the completing the blanks in the same.

Commissioners to direct the engraving, and filling up blanks.

II. *And be it further enacted, by the authority aforesaid*, That the whole of the Notes issued shall bear the same date, and when subscribed by the Commissioners, shall be delivered to the said Treasurer, who shall countersign the same, and be accountable for the Notes so delivered to him.

All Notes to bear same date, and shall be delivered to Treasurer who shall be accountable for the same.

III. *And be it further enacted, by the authority aforesaid*, That all Warrants for payments of money, when produced to the Treasurer, shall, at his option, be paid in Gold or Silver, or in the said

Warrants shall be paid by Treasurer at his option in gold or silver or Notes,

and Notes shall be received by Treasurer and Collectors of Impost at their specified value.

Notes, to the person entitled to receive the same, which Notes shall be again received at the Treasury, and also by the Collectors of Impost throughout the Island, at their specified value, equal to the like value in Gold or Silver, when and as often as the same are presented in payment of Duties.

Whoever alters, forges, or counterfeits Notes, or erases same or any endorsement thereon, or tender in payment, or barter any such Notes, with intent to defraud, shall suffer as a felon without benefit of clergy.

IV. *And be it further enacted, by the authority aforesaid,* That whoever shall alter, forge, or counterfeit any of the said Notes, or shall erase or alter the same, or any Endorsement thereon, or shall tender in payment, utter, vend, exchange, or barter any such altered, forged, or counterfeited Note, or any erased or altered Note, or the Endorsement thereon, or shall knowingly demand to have the same exchanged or paid, with intent to defraud, shall suffer as in cases of Felony, without benefit of clergy.

Lt. Governor may require Treasurer to re-issue Notes received at Treasury,

or require Commissioners to re-issue Notes in place of those received.

V. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful, for the Lieutenant Governor, or Commander in Chief for the time being, by a Warrant under his hand, to require the said Treasurer to re-issue Notes received at the Treasury, or to require the Commissioners aforesaid to issue other Notes in place of those received, or any part thereof, or to re-issue the Notes already received, or any part thereof, agreeably to the said Warrant.

Notes re-issued not to exceed amount of Notes received at Treasury.

Provided always, That no Notes, so to be re-issued, shall exceed the amount of the Notes so from time to time received at the Treasury.

If at any Quarterly period, that is on the 31st March, 10th June, 30th September, and 31st December, any person shall tender notes and Treasurer not able to pay them in gold or silver, Lt. Governor may

VI. *And be it further enacted, by the authority aforesaid,* That if at any Quarterly period, after the thirty-first day of December next, that is to say, at the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in any succeeding year, any Person shall tender for payment at the Treasury, any number of the Notes issued or re-issued, in virtue of this Act, in case the Treasurer shall not be able to pay the same in Gold or Silver, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and

with the advice of His Majesty's Council, by Warrant under his Hand and Seal, to direct the Commissioners aforesaid to fund such sum or sums of Treasury Notes as shall be tendered for payment from time to time as aforesaid, and to grant Certificates to the amount thereof on Interest; and the said Commissioners shall deliver the said Notes so presented to the Treasurer of the Island, and take his Receipt for the same; and the Treasurer shall be charged with and accountable for the same; and the said Notes shall not be again issued from the Treasury, or put into Circulation, for any use whatsoever.

direct Commissioners to fund such sums, and grant certificates to the amount, on interest, and deliver the notes to Treasurer on his receipt, and notes shall not be again issued.

VII. *And be it further enacted, by the authority aforesaid,* That if at the end and expiration of three years from the passing of this Act, all the Notes which may or have been issued, under and by virtue of this Act, shall not have been received and paid into the Treasury, the Treasurer is hereby directed and required to pay the amount of the same when demanded, in Gold or Silver, out of the Monies in the Treasury then not specifically appropriated.

3 years after passing of Act, all notes in circulation to be paid when demanded in gold or silver.

VIII. *And be it further enacted, by the authority aforesaid,* That the Treasurer of this Island shall be paid for his duties and services under the authority of this Act, the sum of one per cent. on all Notes issued by him, over and above any other per centage or Emolument to which such Treasurer may be entitled by any Law of this Island.

Treasurer to receive one per cent. on notes issued.

CAP. XIX.

Expired.

An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth year of His late Majesty's Reign, intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.*

CAP. XX.

Expired.

An Act for increasing the Revenue by levying a duty on Tobacco and Tea.

CAP. XXI.

Continued by 9th Geo. 4th, c. 2. Repealed by 1st Will. 4th, c. 5.

An Act for the preservation of Sheep within the Royalty of Charlotte-Town, by imposing a Tax on Dogs.

CAP. XXII.

Continued by 9th Geo. 4th, c. 8. and 1st Will. 4th, c. 2. Repealed by 3d Will. 4th, c. 1.

An Act to regulate the performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth year of the late King, intituled *An Act to alter and amend the* High Road Laws.

CAP. XXIII.

An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One Thousand Eight Hundred and Twenty-five. Executed.

Anno Sexto Regis Georgii IV.

1825.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, the Fifteenth day of January Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and from thence continued by several Prorogations, unto the Twelfth day of October, One Thousand Eight Hundred and Twenty-five, and in the Sixth year of His said Majesty's Reign, being the Second Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

S.G.W. ARCHIBALD, President of Council.

JOHN STEWART, Speaker.

CAP. I.

Amended by 10th Geo. 4th, c. 14.

An Act to render perpetual an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors.*

WHEREAS the above recited Act will shortly expire, and the same has been found beneficial:

Act of 57th Geo. 3d, c. 3, made perpetual.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to enable Creditors more easily to recover their Debts from Co-partners and joint Debtors,* be, and the same is hereby made perpetual.

CAP. II.

Continued by 3d Will. 4th, c. 6.

An Act to continue an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber; and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable Timber; and for appointing Officers to survey the same.*

WHEREAS the above recited Act will expire at the end of the present Session of the General Assembly:

1st Geo. 4th, c. 3, continued for 7 years.

Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That the said Act intituled "An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and

passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable; and for appointing Officers to survey the same," be, and the same is hereby continued for the space of Seven Years, from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. III.

An Act to repeal an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to alter and amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled "An Act for the Trial of Actions in a Summary Way."*

Executed.

CAP. IV.

An Act to repeal a certain Clause of an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for admitting persons to swear to their own Accounts, in certain Cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island.*

WHEREAS the Seventh or last Clause of the above recited Act hath been found injurious to the Administration of Justice:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, the said Seventh or last Clause of the said Act, intituled "An Act for admitting Persons to swear to their own Accounts, in certain cases, and for amending certain practi-

7th Section of 31st Geo. 3d, c. 1. Repealed.

cal parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island, and every part thereof, be, and the same is hereby repealed.

This Act hath been approved of by His Majesty.

Provided always, That nothing herein contained shall have any effect until His Majesty's pleasure therein shall be known.

CAP. V.

Executed.

An Act to repeal an Act made and passed in the Thirtieth Year of the Reign of His late Majesty, intituled *An Act to prevent unnecessary expense and delays in certain actions wherein judgments have passed by Default.*

CAP. VI.

Disallowed by His Majesty in Council, 20th Nov. 1826.

An Act relating to Marriages and Baptisms, and for making Polygamy Felony.

CAP VII.

Executed.

An Act to repeal an Act made and passed in the Twenty-first Year of His late Majesty's Reign, intituled *An Act declaring that Baptism of Slaves shall not exempt them from Bondage.*

CAP. VIII.

An Act in addition to and in the further amendment of an Act made and passed in the Thirteenth Year of the Reign of His late Majesty, intituled *An Act prohibiting the sale (by retail) of Rum, or other Distilled Spirituous Liquors, without first having a License for that purpose, and for the due Regulation of such as shall be Licensed.*

Expired.

CAP. IX.

An Act to revive, alter, and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled *An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned.*

52d Geo. 3d, c. 6.

WHEREAS the Act made and passed in the Fifty-second year of His late Majesty's Reign, intituled "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," hath expired, and it is highly necessary that some provision should be made to make and keep in repair the Pumps and Wells of the said Town:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of the said Act, intituled "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," as relates to the Pumps and Wells, be revived, and the same is hereby revived, and continued for the space of One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.

So much of 52d Geo. 3d, c. 6. as relates to Pumps and Wells, revived and continued for one year. Continued by subsequent Acts.

CAP. X.

Expired.

An Act to continue an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled "*An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island, and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled "An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.*

CAP. XI.

Expired.

An Act to alter and continue An Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea.*

CAP. XII.

An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to issue Notes to the value of Ten Shillings each.*

For Acts on this subject, see 5th Geo. 4th, c. 18, 9th Geo. 4th, c. 1, 11th Geo. 4th, c. 16, 1st Will. 4th, c. 15, 3d Will. 4th, c. 13.

WHEREAS it will tend to the convenience of the Public if the Commissioners, named and appointed under the Act intituled "An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes," were authorized to issue Ten Shilling Notes:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Commissioners named under the said Act intituled "An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes," to direct the printing and engraving of Notes, not exceeding in value Ten Shillings each, and to superintend the filling up the Blanks in the same, in the way and manner, and in the Form prescribed by the said Act, to the Amount of Eight Hundred Pounds; which said Ten Shilling Notes the said Commissioners and the Treasurer of this Island are to dispose of in the way prescribed by the said Act with respect to Notes already issued, or to be issued, and the same are to be subject in every instance to the like Rules.

Commissioners to issue Ten Shilling Notes, to the amount of 800*l.*

II. And be it further enacted, by the authority aforesaid, That any person or persons whomsoever, that shall alter, forge, or counterfeit any of the said Ten Shilling Notes, or shall erase or alter the

Counterfeiting altering or forging the same, or uttering counter-

feit Notes, with intent to defraud, to be Felony.

same, or any Endorsement thereon, or shall tender in payment, utter, vend, exchange, or barter any such altered, forged or counterfeited Note, or any erased or altered Note, or the Endorsement thereon, or shall knowingly demand to have the same exchanged, or paid, with intent to defraud, shall suffer as in cases of Felony, without benefit of Clergy.

CAP. XIII.

Executed.

An Act for Appropriating Certain Monies therein mentioned, for the service of the Year of our Lord One Thousand Eight Hundred and Twenty-six.

Anno Octavo Regis Georgii IV.

1827.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, the Fifteenth day of January Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and from thence continued by several Prorogations, unto the Twentieth day of March, One Thousand Eight Hundred and Twenty-seven, and in the Eighth year of His said Majesty's Reign, being the Third Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

S.G.W. ARCHIBALD, President of Council.

JOHN STEWART, Speaker.

CAP. I.

An Act for regulating Apprentices.

Parents or Guardians may bind out as an apprentice, any child, until it shall attain 21 years of age.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for any Parent or Parents, Guardian or Guardians, to bind out as an Apprentice, any Child of any Age, as an Indented Servant, to any Tradesman or Farmer, or other, for a period not exceeding the time when such Apprentice shall attain the age of *Twenty-one Years.*

Infants of 12 years, having no Guardians in the country, may indent themselves.

II. And be it further enacted, by the authority aforesaid, That any Infant of the age of twelve years may be lawfully indented to any Tradesman, Farmer, or other, by his or her own consent, if such Infant shall have no Parents or Guardians within the Country, until such Infant shall attain the age of *Twenty-one Years: Provided*, that every such Indenture shall be entered into by the Master or Mistress of such Infant, in the presence of and by the consent of two Justices of the Peace, each of whom shall subscribe the said Indenture, and which shall be equally binding as if the said Indenture had been executed and subscribed by the Parents or Guardians of the said Infant: *Provided*, That it shall and may be in the power of the said Justices, if they shall in their discretion see it fit, to indent the said Infant for a shorter period than his or her attaining the age of *Twenty-one Years.*

Provided two Justices of the Peace shall subscribe the Indenture.

Infants of the age of 16 and upwards, having no Parents or Guardian, within the Island, may lawfully indent themselves.

III. And be it further enacted, by the authority aforesaid, That all Infants of the age of sixteen and upwards, having no Parents or Guardians within the Island, may lawfully indent themselves to service to any Tradesman, Farmer, or other, until he or she shall attain the age of *Twenty-one Years*, by Indentures under Seal, and shall be fully bound thereby.

IV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for

any two of His Majesty's Justices of the Peace to indent any Infant receiving Parish Relief as a Pauper, of any age, until such Infant shall attain the age of *Twenty-one Years*, to any Tradesman, Farmer, or other; and in like manner to indent for a like period the Infant of any Parent or Parents receiving Parish Relief as Paupers.

Any two Justices may indent any infant pauper, or pauper's child.

V. And be it further enacted, by the authority aforesaid, That if any such Apprentice so indented as aforesaid shall desert the service of his or her said Master or Mistress, then it shall and may be lawful for any Justice of the Peace to order such Apprentice to return to such his, or her service and on failure so to do, to commit such Apprentice to Prison, until he or she shall return to his or her Master or Mistress, and fulfil the conditions of the Indenture.

Any indented apprentice who shall desert his master's service and refuse to return, may be committed to prison.

VI. And be it further enacted, by the authority aforesaid, That if any Master or Mistress of such Indented Apprentice shall maltreat or ill-use any such Apprentice, then it shall be lawful for any two Justices of the Peace, on proof of such ill treatment, either to order the Master or Mistress of such Apprentice to amend his or her conduct, or in their discretion to order that the said Apprentice should be discharged from any further service, and the Indentures to be cancelled.

Justices how to act in the event of apprentices being mal-treated by their Masters or Mistresses.

VII. And be it further enacted, by the authority aforesaid, That any Person or Persons wilfully harbouring an Apprentice deserting his or her Master or Mistress's service, knowing him or her to be such, shall be liable to a Fine of *Five Pounds* on proof thereof, to be recovered before any one of His Majesty's Justices of the Peace.

Persons wilfully harbouring apprentices who have deserted their service. How punished.

CAP. II.

Expired.

An Act to amend an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to amend an Act made and passed in the Thirty-first Year of His present Majesty's Reign, intituled "An Act to prevent the running at large of Rams at improper seasons.*

CAP. III.

Expired.

An Act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town.

CAP. IV.

Executed.

An Act to ascertain the Population of the Island.

CAP. V.

Expired.

An Act to regulate Appeals from the Courts of Justices of the Peace of this Island, in Amendment of an Act made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of* Small Debts.

CAP. VI.

An Act to regulate the driving Carts, Carriages, Sleighs, and Carioles, on the Highways.

WHEREAS great Inconvenience has been experienced from Persons driving Carriages, Sleighs, Carioles, and Carts, along the High-

ways within this Island, and the riding of Horses in the same, without a due attention to the passing each other when going in an opposite direction:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That every Person driving any Cart, Carriage, Sleigh, or Cariole, shall pass on the Highway any other Cart, Carriage, Sleigh, or Cariole, coming in the opposite direction, on the Driver's left hand side of the road; and that each Driver shall pass his Adversary towards the left of such Driver's own course, so that thereby every Driver may pass a Person driving in an opposite direction with his right or whip hand next to the right or whip hand of such opposite Driver; and that the same Rule shall be observed by Persons on horseback; and if any Person shall wilfully drive any Cart, Carriage, Sleigh, or Cariole, or ride any Horse contrary to the directions of this Act, such Person shall forfeit for every such Offence the sum of *Five Shillings* to be recovered before any one of His Majesty's Justices of the Peace, besides reasonable Expenses of recovering the same; one half whereof to be paid to the Informer, and the other half to His Majesty for the use of the Highways of the District wherein such Offence shall have been committed.

Persons driving Carts, &c. shall pass on the left of persons driving in an opposite direction.

Same rule to be observed by horsemen.

Persons driving Carts, &c. or horsemen riding contrary to direction of the Act, shall forfeit 5s. for each offence.

How to be recovered and applied.

II. And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, no Person shall drive on the Highways any Cart, Carriage, Sleigh, or Cariole, without good and sufficient Reins, under a Penalty of *Ten shillings* for each and every offence, to be recovered and applied as aforesaid.

No person shall drive any Cart, &c. without sufficient reins, under a penalty of 10s.

III. And be it further enacted, by the authority aforesaid, That no Sleigh, Cariole, or other Carriage, mounted on runners, shall be driven without one or more Bells affixed to some part of the Harness of the Horse or Horses drawing the same, under the Penalty of *Five Shillings* for each and every offence (*provided*, that no Person shall be liable to more than one Penalty in one

No Cariole, Sleigh, or other Carriage on runners shall be driven without one or more Bells, under a penalty of 5s. for each offence.

and the same day)—to be recovered and applied as aforesaid: That all Penalties appointed by this Act shall be sued for within forty-eight hours after the offence shall have been committed for which such Penalty is exacted.

Penalties to be sued for within 48 hours after offence.

IV. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in force for the period of *Three Years*, and from thence to the then next Session of the General Assembly, and no longer.

To be in force 3 years—Continued by subsequent Acts.

CAP. VII.

An Act to continue and amend an Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution.*

59 G. 3, c. 7.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Fifty-ninth year of His late Majesty's Reign, intituled *An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution*, and every matter and thing therein contained, except as the same is hereinafter altered and amended, be continued, and the same is hereby continued, for *Ten Years*, and from thence until the end of the next Session of the General Assembly.

Act continued for 10 years, as herein-after altered and amended.

II. And be it further enacted, That no Leasehold Interest or Term of years in any Lands, Tenements, or Hereditaments, hereafter to be taken in Execution within this Island, shall be exposed to Sale until the Expiration of *Twelve Calendar Months* after the same shall have been so taken in Execution, any thing in the said Act to the contrary thereof notwithstanding.

Leasehold Interest taken in Execution shall not be exposed to sale until the expiry of 12 Calender months after Execution.

CAP. VIII.

An Act to authorize the Formation of a Fire Engine Company for the Town of Charlotte-Town.

WHEREAS a Fire Engine has been procured at a considerable expenseby the Inhabitants of the said Town, but the same will be of little or no avail in case of Fire unless it be worked by persons properly practised in the use thereof: And whereas it is deemed expedient that suitable encouragement should be given to persons appointed Members of the Company hereinafter mentioned, by exempting them from certain other public services to which they are now by law amenable:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and maybe lawful to and for his Excellency the Lieutenant Governor, immediately after the passing of this Act, to appoint one fit and proper Person, resident in Charlotte-Town, to be Captain of a Company to be formed as hereinafter mentioned, to be called the Fire Engine Company for the Town of Charlotte-Town; which said Person so appointed Captain shall immediately after being notified of such appointment as aforesaid, nominate and appoint Two fit and proper Persons resident in Charlotte-Town, one to be first Lieutenant of the said Company, and the other to be second Lieutenant of the said Company; and the said Captain and Lieutenants shall proceed to choose Thirty-two fit and proper Persons, Residents in the said Town, which Persons together with the said Officers shall form and constitute a Company, to be known by the said name of the Fire Engine Company for the Town of Charlotte-Town, and shall have the care and custody of the Fire Engine of the said Town, and the Hose and Buckets appertaining and belonging thereto, and shall be obliged

Lt. Governor may appoint a Captain of the Company,

and Captain may nominate a 1st & 2d Lieutenant, who shall, with the Captain, choose 32 persons to form a Company who shall have charge of the Fire Engine, &c.

to keep the same in good order, and fit for service on all occasions; and that the said Persons so chosen shall be exempted from serving the office of Constable, and working on the Highways during their continuance in the said Office, and faithfully discharging the Duties thereof; any Law, Usage, or Custom, to the contrary thereof notwithstanding.

Persons so chosen to be exempted from serving as Constables, and from labour on the Highways.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the said Company, or the major part thereof, to choose from their own number a fit and proper person to be Clerk and Treasurer to the said Company, and also to fix and appoint the days of training in each year, six to be during the summer season, and two during the winter season; and if any person or persons shall neglect or refuse to attend on the said days of training without a sufficient excuse, to be allowed by the Captain of the said Company, or in his absence the Lieutenant commanding, or shall be guilty of disobedience of the orders of the Captain of the said Company, or in his absence of the Lieutenant commanding the same, he or they shall for every such offence forfeit and pay the sum of *Five Shillings.*

Company may choose their own Clerk & Treasurer, and fix on training days;

Penalty for non-attendance and disobedience of orders.

III. And be it further enacted, by the authority aforesaid, That every Member of the said Company shall be obliged to provide himself with a strong leathern Cap, of such shape and form as the majority of the persons composing the said Company shall appoint, on which shall be painted or marked, in Roman Letters, the words, "Fire Engine," and to which Cap shall be attached a Cape or Tippet of Leather, of not less than eighteen inches in breadth, which said Cap and Tippet shall be worn at all Fires and times of Training, under a Penalty of *Five Shillings*, unless the person or persons offending herein shall offer such excuse as the Captain of the said Company, or Officer commanding the same shall deem sufficient.

Each man of the Company to be provided with a leathern cap and tippet,

to be worn at fires and trainings.

IV. And be it further enacted, by the authority aforesaid, That all Vacancies occurring in the said Company by death or otherwise, except the Office

Vacancies how to be filled up.

of Captain, shall be filled up by the choice of the said Company, or the major part of the persons composing it; and the Captain thereof or other Officer commanding, shall once in every year publish in some Newspaper printed in Charlotte-Town the names of all persons belonging to the said Company, and shall also, on request by the Commissioner or any Overseer or Overseers of Roads for the District of Charlotte-Town, furnish and deliver to the said Commissioner, Overseer, or Overseers, a true and correct List of the said Company, with the date of the admission of each Member thereof, without being entitled to any Fee therefor: and if the said Captain, or other Officer commanding, shall neglect or refuse to deliver such List, or shall deliver an erroneous List, such Captain, or other Officer commanding the said Company, shall for every such offence forfeit and pay the sum of *Twenty Shillings*.

Captain shall once a year publish the names of the Company in the newspapers.

Captain shall give the Overseers or Commissioners of Roads for Charlotte-Town, a list of the Company, when required.

Penalty for neglect or refusal.

V. And be it further enacted, by the authority aforesaid, That all Fines and Penalties to be incurred under this Act, shall and may be recovered before any one of His Majesty's Justices of the Peace for the said Town, and shall be appropriated for and towards the keeping the said Engine, Hose, and Buckets in repair, and providing new Buckets for the same, and also for paying the expense of publishing the names of the persons composing the said Company as aforesaid.

Penalties how to be recovered & appropriated.

VI. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in force for and during the term of *five years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

Act to be in force 5 years—Continued by 3, Will. 4, c. 4.

CAP. IX.

An Act to establish and regulate the practice of the Supreme Court of Judicature of this Island, in cases of Replevin.

Sheriff shall within 30 days after appointment, depute three deputies, one in Georgetown Royalty, one at St. Peter's, and one at St. Eleanor's; who shall have authority to grant replevin of distresses.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That every Sheriff hereafter to be appointed, shall, within thirty days after he hath received his Patent of Office, and from time to time afterwards as occasion may require, depute, appoint, and proclaim Three Deputies; one of them residing within the Royalty of Georgetown; one other of them residing in the Settlement called St. Peter's, in King's County; and one other of them residing at the Settlement called St. Eleanor's, in Prince County; or as near to such places, respectively, as qualified persons can conveniently be found; which said Deputies, so appointed and proclaimed, shall have Authority, in the Sheriff's name, to make Replevins and Deliverance of Distresses, in such manner and form as the said Sheriff or his under Sheriff may and ought to do—upon pain that every Sheriff for every month that he shall lack such Deputy or Deputies, shall forfeit for every such offence *Five Pounds.*

Sheriff shall be liable in a penalty of 5*l.* for every month he shall lack such Deputies.

II. And be it further enacted, That the said Sheriff, or his Deputies, respectively, shall, before he, they, or any of them, shall make such Replevin and Deliverance, cause the Person demanding or requiring such Replevin to enter into a Bond, with Sureties, payable to the said Sheriff, in such amount and manner as Replevin Bonds are now usually made and entered into; with a Condition thereunder written, that the Party so replevying shall and will appear at the sitting of the Supreme Court of Judicature then next to be holden, and then and there prosecute his Suit with effect and without delay, and make Return of the said Cattle, Goods, and Chattels, if a Return thereof shall be adjudged. And the said Sheriff, or any of his Deputies as aforesaid,

Persons demanding replevin shall execute replevin bonds.

Conditions of Bonds.

shall thereupon, on such Security being entered into, issue a Warrant or Precept in the name of the said Sheriff, to such Person or Persons as he or they shall appoint, commanding them that without delay they Replevy the said Cattle, Goods, or Chattels; and immediately summon the Party distraining or detaining the same to appear at the sitting of the said Supreme Court of Judicature, then next to be holden, to answer the party so Replevying upon his Plaint, and to certify the same to the Sheriff, under the peril attending the neglect thereof; and the Person to whom such Precept shall be issued, shall, on receipt thereof, make Replevin, and summon the said Person so distraining or detaining the said Cattle, Goods, or Chattels, and certify the same according to the tenor and command of the said Warrant or Precept; and shall also, with all the due diligence, deliver to the said Sheriff, or his under Sheriff, the said Replevin Bond, who shall forthwith lodge the said Bond in the Clerk's Office of the said Court, together with a Plaint in writing, according to the following Form—

Sheriff shall issue precept to replevy, and to summon party distraining to appear at next Supreme Court, and precept shall be returned, as also replevin bond to Sheriff who shall lodge same with Clerk of Court with a plaint in writing.

to wit } A. B. Yeoman,

"Complains of C. D. of plea of taking "and unjustly detaining his Cattle, Goods, and "Chattels, to wit, &c. and also found Pledges as well "to prosecute his Suit with effect, as to make a Re-"turn of the said Cattle, Goods, and Chattels, if a "Return thereof shall be adjudged by Law; to "wit, G. H. of and I. K. of

L. M. Sheriff."

Form of Plaint.

And every or any Sheriff, or any of his Deputies to be appointed as aforesaid, who shall make default in peforming the Duties respectively by this Clause enacted, shall, for each and every such offence, forfeit and pay *Two Pounds.*

Sheriff making default shall for each offence forfeit 2*l*.

III. And be it further enacted, That immediately upon the entry of any Plaints and lodging of the Replevin Bond in manner hereinbefore directed, the said Court shall and may duly entertain

On entry of plaint and lodging replevin bond, Court may proceed on plaint, & if bond be forfeited it may be assigned by Sheriff to the avowant on request made, who may proceed as on bail bonds.

and proceed upon the said Plaint, and cause the said Bond afterwards, if the same shall be forfeited, to be assigned by the Sheriff to the Avowant or Person making cognizance in such Replevin, on his request who may sue for the same, in like manner as Bail Bonds are now sued for; and all Writs which may afterwards be issued in such Replevin Suit shall issue out of and under the Seal of the said Court, which shall direct and regulate the Proceedings in such Suit or Suits respectively, according to such Rules and Practice as the said Court shall or may appoint, and give final Judgment in such Suit or Suits respectively, if necessary.

All writs in replevin suits shall issue under seal of Supreme Court, which shall regulate course of proceedings.

IV. And be it further enacted, That all Fines and Forfeitures hereafter to be incurred under this Act, shall and may be recovered in the said Supreme Court of Judicature, by Bill, Plaint, or Information; one half whereof shall be paid to the Treasurer of this Island for and on behalf of His Majesty, and the other half to such person as may sue for the same.

Forfeitures how to be recovered and applied.

V. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the Plaintiff to declare in Replevin within *One Month* previous to the sitting of the said Court next after the date of the said Plaint hereinbefore mentioned, and to proceed to Issue and to Trial, according to the usual and accustomed Practice of the said Supreme Court in other cases; and that in like manner it shall and may be lawful for the Defendant, within a like period previous to the then next sitting of the said Court after the date of the said Plaint, to file his Avowry, and to demand of the Plaintiff that he should plead thereto, within the time and in the manner usually practised in the said Supreme Court, and that the said Avowant shall be held and deemed in that case as if he were a Plaintiff in the cause, and his Avowry a Declaration, and subject to such Rules as the Court hath already made as to the Mode and Times of Pleading in other cases, or may hereafter make under the authority of this Act in cases of Replevin.

Plaintiff may declare in replevin one month previous to sitting of Supreme Court next after date of plaint, and proceed to issue & trial as in other cases. Defendant may within same period file his avowry, and demand Plaintiff to plead thereto, as in other cases, & avowant shall be held then as Plaintiff, and his avowry shall be subject to like rules of pleading as in other cases.

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

Act to be in force 5 years. Continued by 3, Will. 4, c. 28.

CAP. X.

An Act for raising a Fund in aid of supporting the Light-House on Cranberry Island.

CAP. XI.

An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act to revive, alter, and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned.*

Expired.

WHEREAS the Act made and passed in the Sixth Year of His present Majesty's Reign, intituled "An Act to revive, alter, and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled, "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned." is near expiring, and it is highly necessary that some provision should be made to make and keep in repair the Pumps and Wells of said Town:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled "An Act to revive, alter, and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled

Continues Act of the 6th of the King for one year.

"An Act for raising a fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," be continued, and the same is hereby continued, for the space of *One Year*, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XII.

Expired.

An Act to revive, alter, and continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the 25th Year of His late Majesty's Reign, intituled, An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island;*" and to appropriate the Monies hereby granted.

CAP. XIII.

Expired.

An Act to revive, alter, and continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for Increasing the Revenue, by levying a Duty on Tobacco and Tea,*" and to appropriate the Monies hereby granted.

Anno Nono Regis Georgii IV.

1828.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, on the Fifteenth day of January, Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and from thence continued, by several Prorogations, unto the Twentieth day of March, One Thousand Eight Hundred and Twenty-eight, and in the Ninth year of His said Majesty's Reign, being the Fourth Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

GEORGE WRIGHT, President of Council.

JOHN STEWART, Speaker.

CAP. I.

Continued by 11, G. 4, c. 16.

An Act to revive and continue two certain Acts therein mentioned.

WHEREAS the two Acts herein-after mentioned have been found useful and beneficial, viz:

Acts of 5, G. 4, c. 18.

"An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes:"

6, G. 4, c. 12.

"An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled "An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes," to issue Notes to the value of Ten Shillings each:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act intituled "An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,"—and the said Act intituled "An "Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled "An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes," to issue Notes to the value of Ten Shillings each," and every matter, clause, and thing in the said Acts respectively contained, be revived and continued for *Three Years*.

Revived and continued for 3 years.

CAP. II.

An Act for continuing several Laws near expiring.

WHEREAS the several Acts herein-after mentioned, which are near expiring, have been found useful and beneficial, viz:

"An Act to regulate the Fisheries of this Island."

"An Act for Summary Punishment in certain cases of Persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property:"

"An Act for the preservation of Sheep within the Royalty of Charlotte-Town, by imposing a Tax on Dogs:"

"An Act to amend certain parts of an Act intituled, "An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town, by the appointment of Hog-reeves:"

"An Act to continue an Act, intituled "An Act for regulating Juries and further declaring the Qualification of Jurors:"

"An Act to prevent the destruction of Sheep by Dogs:"

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act intituled "An Act to regulate the Fisheries of this Island;"—And 5, G. 4, c. 12.

An Act intituled "An Act for Summary Punishment in certain cases of Persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property;"—And 5, G. 4, c. 13.

"An Act for the preservation of Sheep within the Royalty of Charlotte-Town, by imposing a Tax on Dogs:"—And 5, G. 4, c. 15.

An Act intituled "An Act to amend certain parts of An Act intituled "An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for the preventing the running of Hogs at large 5, G. 4, c. 3.

through the Town of Charlotte-Town," by the appointment of Hog-reeves:"—And

5, G. 4, c. 7. An Act intituled "An Act to continue an Act intituled "An Act for regulating Juries, and further declaring the Qualification of Jurors:"—And

and 5, G. 4, c. 10. An Act intituled "An Act to prevent the destruction of Sheep by Dogs"—

And every Clause, Matter, and Thing therein contained, be, and the same are hereby continued, for the space of *Ten Years*, and from thence until the end of the then next Session of the General Assembly.

CAP. III.

See 10, G. 4, c. 3.

An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for Measuring and Weighing the same.

Lt. Governor to appoint persons for measuring and weighing Grain and Pulse.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to appoint such number of persons throughout the Island as he may think proper, for the purpose of Measuring and Weighing all sorts of Grain and Pulse.

II. And be it also enacted, by the authority aforesaid, That the Standard Weight of each Winchester Bushel of Grain and Pulse exposed to sale shall be as follows:—

Standard Weight of Grain and Pulse. Altered by 10, G. 4, c. 3.

	Avoirdupois.
Wheat shall weigh,	59 pounds.
Rye,	57 do.
Indian Corn,	58 do.
Barley,	49 do.
Oats,	40 do.
Peas,	60 do.
Beans,	60 do.

And all such Grain and Pulse as may be imported, or brought to Market for sale, shall, on request of the Buyer or Seller, be measured and weighed by the Measurer and Weigher where

the same shall be brought for sale; and that the said Measurer and Weigher shall be allowed and paid *one farthing* per Bushel, the one half by the Buyer and the other half by the Seller.

Grain, &c. brought to Market for sale, on request of buyer or seller to be weighed. Measurer to be allowed one farthing per bushel.

III. And be it further enacted, That if any such Grain or Pulse shall be imported or brought for sale within any Port or Place within the Island, which shall not be agreeable to the Standard Weight before appointed for each sort of Grain or Pulse to weigh respectively, that it shall and may be lawful for the Measurer and Weigher, if required either by the Buyer or Seller thereof, to add to each Bushel a quantity sufficient to make the same weigh equal to the Standard hereinbefore appointed for each particular sort; and if such Grain or Pulse shall weigh more than the Standard Weight hereinbefore appointed, it shall in like manner be lawful to deduct as much from each Bushel as will make the same conformable to the said Standard.

Grain, &c. imported not agreeable to Standard Weight.

Measurer if required, to add to each bushel, to make the same equal to Standard;

if more than weight, to deduct as much as will make the same conformable to Standard.

IV. And be it further enacted, by the authority aforesaid, That if the said Person or Persons so appointed and accepting the said Office of Measurer and Weigher as aforesaid, shall be guilty of any Neglect or Fraud in his or their Office, he or they shall forfeit and pay a sum not exceeding *Five Pounds* for each and every offence—to be recovered before any Two of His Majesty's Justices of the Peace for the County where the Offence is committed; one half thereof to be paid to the Person or Persons who sues for the same, and the other half thereof shall be paid into His Majesty's Treasury of this Island; and the said Person or Persons so offending shall also be liable in Damages to the Party injured.

Measurer guilty of neglect or fraud, to forfeit a sum not exceeding 5*l*.

Mode of recovery.

Application of forfeiture.

Persons offending liable in damages to party injured.

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

Act to continue in force for 7 years.

CAP. IV.

Repealed by 11, G. 4, c. 3.

An Act to continue and amend an Act of the Sixth year of His present Majesty's Reign, intituled *An Act for the Encouragement of Education in the different Counties and Districts in this Island.*

CAP. V.

Repealed by 3, Will. 4, c. 8.

An Act to alter and amend an Act intituled *An Act for Licensing and Regulating Ferries.*

CAP. VI.

Amended by 10, G. 4, c. 14.

An Act to render perpetual an Act intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.*

WHEREAS the said Act will shortly expire, and the same hath been found highly beneficial, and it is deemed necessary that the same should be rendered perpetual:

Act of the 59, G. 3, c. 4, made perpetual.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled "An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island," shall from henceforth be, and the same is hereby declared to be, in full force and effect, for ever.

CAP. VII.

An Act to continue and amend an Act of the Sixth year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings.*

Repealed by 3, Will. 4, c. 27.

CAP. VIII.

An Act to continue and amend an Act of the Sixth year of the present King, intituled *An Act to regulate the performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth year of the late King, intituled 'An Act to alter and amend the High Road Laws.'*

Repealed by 3, Will. 4, c. 1.

CAP. IX.

An Act to continue and amend an Act made and passed in the Sixth year of His Majesty's Reign, intituled *An Act to Limit and Ascertain the Jurisdiction of Justices of the Peace in Matters of Small Debt.*

Continued and amended by 1, Will. 4, c. 11. Repealed by 2, Will. 4, c. 1.

CAP. X.

Expired.

An Act to continue and alter an Act made and passed in the Eighth year of His present Majesty's Reign, intituled *An Act to revive, alter and continue an Act made and passed in the Sixth year of His present Majesty's Reign, intituled An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the 25th year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy and other Distilled Spirituous Liquors exported from this Island;' and to appropriate the Monies hereby granted.*

CAP. XI.

Expired.

An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty intituled *An Act to revive, alter and continue an Act made and passed in the Sixth Year of His present Majesty's Reign intituled An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea, and to appropriate the Monies hereby granted.*

CAP. XII.

An Act for the further increase of the Revenue, by raising a Duty of Impost on all Goods, Wares and Merchandizes imported into this Island.

Passed with a suspending clause, and subsequently disallowed by His Majesty.

Anno Decimo Regis Georgii IV.

1829.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, the Fifteenth day of January, Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and from thence continued, by several Prorogations, unto the Fifth day of March, One Thousand Eight Hundred and Twenty-nine, and in the Tenth year of His said Majesty's Reign, being the Fifth Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

E. J. JARVIS, President of Council.

JOHN STEWART, Speaker.

CAP. I.

Expired.

An Act for Keeping Clean the Streets of Charlotte-Town, and for Removing Obstructions therefrom.

CAP. II.

Repealed and re-enacted, with amendments, by 1, Will. 4, c. 1.

An Act for the appointment of Limits and Rules for the Jail of Charlotte-Town.

CAP. III.

See 9, G. 4, c. 3.

An Act to amend an Act made and passed in the Ninth Year of His present Majesty's Reign, intituled *An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same.*

WHEREAS the Standard Weight of Grain, as fixed by the above mentioned Act, has been found higher than the general Average:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Standard Weight of each Winchester Bushel of Grain, exposed to sale in this Island, shall be as follows: That is to say—

Standard Weight of Grain.

	Avoirdupois.
Wheat shall weigh	58 pounds.
Rye shall weigh	56 do.
Indian Corn shall weigh	57 do.
Barley shall weigh	48 do.
Oats shall weigh	36 do.

Continuance of Act.

II. And be it further enacted, That this Act shall continue and be in force for and during the space of *Six Years*, and from thence to the end

of the then next Session of the General Assembly, and no longer.

CAP. IV.

An Act to enable Tenants in Tail to execute Leases, and grant Terms of Years of a long endurance.

WHEREAS there are many extensive Tracts of Forest Land, and others, now in the possession of Tenants in Tail, which cannot be turned to any profitable use, unless the Tenant in Tail of such Lands shall be allowed by Law to grant Leases, or Terms of Years, for the same, of a long endurance; and the Settlement and Cultivation of such Lands may be very materially, if not altogether, prevented, unless some Remedy be provided to enable Tenants in Tail validly to execute Leases of such endurance as are usually executed within the Island by Owners of Land holding the same in Fee Simple:

Tenants in Tail may make Leases for any Term of Years.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That all Leases hereafter to be made of any Lands, Tenements, or Hereditaments in this Island, by Indenture under Seal, for any Term of Years, by any Persons, being of the full age of Twenty-one years, held in Fee Tail in their own right, or in that of their Wives, or jointly with their Wives, made before the coverture or after, shall be good and effectual in the Law against the Lessors, their Heirs and Successors, and every of them, according to such Estate as is comprised and specified in every such Indenture of Lease, in like Manner and Form as the same should have been if the Lessors thereof, and every of them, at the time of making such Leases, had been lawfully seized of the same Lands, Tenements, and Hereditaments in such Indenture, of a good, perfect and pure Estate of Fee Simple thereof to their only uses.

and to be good in law.

Proviso,

II. Provided always, That this Act, or any thing herein contained, shall not extend to any Lease to

that no Term shall exceed 999 Years.

and shall be for the highest rent, that can be then gotten.

Persons entitled to the Reversion to have the same remedy against Lessees as Lessors might have had.

be made of any Lands, Tenements, or Hereditaments, above the number of Nine Hundred and Ninety-nine Years, and which shall not be made by Indenture of Lease, mutually executed by all the Parties thereto, and at the best and highest Rent that can be, at the time of making such Lease, obtained for the same, and which shall be so expressed in the said Indenture of Lease; and that every Person to whom the Inheritance and Reversion of such Land shall appertain, shall, according to his Right or Interest in the same, after the Death of such Lessors, have such Remedy and Advantage, to all intents and purposes, against the Lessees thereof, their Executors and Assigns, as the same Lessor should or might have had against the same Lessees.

Wife, (when intitled to the Estate) to be a party to Lease.

Rent to be reserved to Husband and Wife, and Heirs of Wife.

After decease of Husband, rent to revert to Person legally entitled thereto.

III. Provided always, That the Wife be made party to every such Lease which hereafter shall be made by her Husband of any Lands, Tenements, or Hereditaments, to which the Wife shall be entitled in Estate Tail; and that every such Lease be made by Indenture in the name of the Husband and his Wife, and she to seal the same; and that the Farm and Rent be reserved to the Husband and to the Wife, and to the Heirs of the Wife, according to the state of Inheritance in the same; and that the Husband shall not in any wise alien, discharge, grant, or give away the same Rent reserved, nor any part thereof, longer than during the coverture, without it be by Fine levied by the said Husband and Wife, but that the same Rent shall remain, decend, revert, or come, after the Death of such Husband, unto such Person or Persons, and their Heirs, in such manner and sort as the Lands so leased should have done if no such Lease had been thereof made.

Allowed by His Majesty in Council, Dec. 7, 1829.

Provided, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

CAP. V.

An Act to alter and amend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for compelling Persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers.*

See 31 G. 3, c. 7.

Preamble.

WHEREAS the said Act hath been found insufficient, in cases where Line Fences between cultivated Fields are thrown down by accident or design, the said Act requiring One Month's notice to be given to Parties before they can be compelled to put up the same, or to pay therefor:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, in all cases where Line Fences between cultivated Grounds or Fields are prostrated, destroyed, or otherwise injured, either by accident, natural decay, or design, it shall and may be lawful thereupon, for either Party owning or occupying the said cultivated Grounds or Fields, to give notice to the other Party to repair or make good his, her, or their proportion of the said Line Fence; and should the said Party to whom Notice is so given refuse or neglect to repair or make good the same within twenty-four hours after such notice, the Party giving such notice is hereby authorized to call upon the Fence Viewer, or Fence Viewers, in the way and manner prescribed in and by the hereinbefore mentioned Act, who is and are hereby empowered and required to proceed as therein also prescribed: And the Party delinquent or neglecting to make good his or their proportion of the said Line Fence, is to be answerable for all Expenses, Costs, and Charges, to the Party inju-

Where Fences between cultivated lands are injured or destroyed,

person neglecting or refusing to make good his proportion of same after 24 hours notice, liable to be proceeded against as pointed out by the Act of the 31, G. 3, c. 7.

red, as in the said Act is expressed and declared against Delinquents refusing or neglecting to comply with the Directions of the said Act.

CAP. VI.

Expired.

An Act for encouraging the Fisheries by granting Bounties.

CAP. VII.

Expired.

An Act to regulate the size of Barrels, and enforce the Inspection of such Pickled Fish as may be Exported from Prince Edward Island.

CAP. VIII.

Repealed by 11, G. 4, c. 2.

An Act to regulate the Introduction of Passengers, in Vessels arriving in this Island.

CAP. IX.

An Act for the Establishing an Academy in Charlotte-Town.

Incorporation of Trustees.

WHEREAS the promotion of Classical Education in this Colony is deemed an object of the first importance:

Names of Trustees.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by Letters Patent under the Great Seal of this Island, to incorporate *Edward James Jarvis*, Chief Justice, and his Successor in Office; *John Stewart*, Speaker of the House of Assembly, and his Successor in Office; *Robert Hodgson*, Attorney Ge-

neral, and his Successor in Office; *John Lawson*, Solicitor General, and his Successor in Office; and any two of the Members of His Majesty's Council and three Members of the House of Assembly (one from each County in the Island) as he may think fit and proper, to be one Body Politic and Corporate, in deed and in name, and have succession for ever, in manner as shall be hereinafter mentioned and provided for, by the name of the Trustees and Governors of the Central Academy; and that by the same name they shall have perpetual succession, and a common Seal to be appointed by themselves, and also to sue and be sued, implead and be impleaded in all Courts and places; and they, and the major part of them, shall have power from time to time to choose from among themselves a President and other Officers, as by the said Letters Patent shall be directed, and to nominate the Masters, make By-Laws, Rules, and Ordinances for the regulation and general management of the said Academy; and to assemble together, when, where, and as often, and upon such notice, as to them shall seem fit, for the execution of their trust; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Academy, as well Grants of Public Money, Legacies, Goods and Chattels, as Lands, Tenements and Hereditaments, notwithstanding any Statute or Statutes of Mortmain.

Name by which Trustees are incorporated.

Power of Trustees.

II. And be it further enacted, That in case of the removal from the said Council, by death or otherwise, or in case of absence from this Island of any of the said Members of Council hereafter to be appointed, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of the Council, in their room.

Vacancies how to be filled up from the Council.

III. And be it further enacted, That in case of the death of any of the said Members of the House of Assembly hereafter to be appointed as

On Death, &c. of any of the Trustees, Members of

aforesaid, or if they, or either of them, shall cease to be Members of the House of Assembly by means of the Dissolution of the said House, or otherwise, or shall be absent from this Island, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of Assembly for the respective Counties as aforesaid, in their room.

the Assembly, vacancy how filled up.

IV. And be it further enacted, That the two Masters to be appointed by the said Trustees, shall be allowed and paid the sum of One Hundred and Fifty Pounds currency per annum each, to be paid quarterly, to commence from the time of their, or either of their appointment; the said sums to be drawn by Warrant under the hand and seal of the Lieutenant Governor, or Commander in Chief for the time being, upon the Treasurer of this Island, on the production to the said Lieutenant Governor, or Commander in Chief for the time being, of a Certificate under the hands of the said Trustees, or a majority of them, of the said Master or Masters conducting himself or themselves to the satisfaction of the said Trustees; and the Tuition money paid by the Scholars at the said Academy, to be fixed by the said Trustees, shall be equally divided between the said Masters.

Masters in Academy to be allowed 150*l* each per annum, payable quarterly.

Mode of payment.

Tuition money to be divided equally between Masters.

V. And be it further enacted, That no beneficed Clergyman of the Established Church, or Clergyman of the said Church having Spiritual charge of a congregation, or Minister of any other sect or denomination of Christians having the Spiritual charge of any Parish or Congregation, shall be eligible, or be appointed Master in the said Academy.

No Clergyman having spiritual charge of a congregation to be eligible for situation of Master.

VI. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, shall be the Patron and Visitor of the said Academy.

Lt. Governor to be Patron and Visitor.

VII. And be it further enacted, That the Branches taught in the said Academy shall be the Greek and Latin Languages, Belles Lettres, the

Branches to be taught.

French Language, Geography connected with Astronomy and combined with General and Natural History, English Reading, Grammar and Elocution, Elementary and Practical Mathematics, Theoretical and Practical Arithmetic. And the said Trustees shall, if they see fit, require one or both of the Masters to be employed in the said Academy to receive Boarders, and have power to fix the rate or terms at which such Boarders shall be received, and regulate their mode of living.

Masters to keep Boarders, if required.

Trustees to fix the rate of board, &c.

VIII And be it further enacted, That the said Trustees or any five of them, shall have power to remove the said Masters, or either of them, in case they shall think fit, and expel or suspend any of the Scholars of the said Academy who shall offend against the By-Laws, Rules, Regulations or Ordinances by them made for the due Governance of the said Academy.

Trustees may remove Masters, and expel or otherwise punish scholars offending against the Rules

IX. And be it further enacted, That no Religious Test whatever shall be used in the said Academy, in order that the Classes in the same may be free and open to all.

No Religious Test to be used.

CAP. X.

An Act to regulate the laying out and altering of Highways; and to provide a mode of obtaining Compensation for those who may thereby be injured; and to cause those who are benefited thereby to contribute towards their formation.

Amended by 3, Will. 4, c. 9.

WHEREAS in the Grants or Patents of the different Townships of this Island, His Majesty has been pleased to make a Reservation of all such parts of the said Townships as had been set apart for Public Roads at the time of passing the same; as also all such other parts of the Lots or Townships as should hereafter be set apart for laying out Highways for the communication between one part of the Island and another:

And whereas it daily becomes more and more necessary to open Roads through different parts of Townships, which may and do sometimes interfere with Lands under cultivation, and occasion much Loss, Injury, and Expense, to the Person through whose Lands the same run, and no Remedy having been provided for the same, nor any Law whereby to enable the Lieutenant Governor, or Commander in Chief, to alter or change any Road now made, or hereafter to be made, or to make Compensation to the Parties who might be injured thereby: For Remedy whereof,

Lt. Governor by advice of Council,

causing Highways to be made through cultivated lands, or changing direction of roads already made,

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That when and as often as it shall be considered necessary, by the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to cause a Highway to be made through cultivated Lands, or to alter or change the direction of the Roads already by lawful authority made in this Island, for other Roads, the accomplishment of which may be attended with Injury and Damage to the Proprietors or Tenants of the Soil through which the same may pass, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, or on the application of any Party interested in the said Lands, to order a Writ to be issued out of His Majesty's Supreme Court of Judicature for this Island, and the said Court is hereby empowered to issue such Writ, directed to the Sheriff of the said Island (or in case he shall be interested therein, to the Coroner,) commanding him to summon twelve good and lawful men, Freeholders or Leaseholders, who are no wise interested in the said Lands and Tenements, from the County through which the Road contemplated is to run, to meet at such time and place as may be appointed by the said Writ; and the said Jury so summoned shall be duly sworn faithfully to appraise the Damages,

may, on application of any party interested, order a writ to issue out of Supreme Court,

directed to Sheriff or (Coroner,) to summon 12 Freeholders or Landholders from the County through which the road is to pass,

to be sworn to appraise damages

if any, which will accrue to the Proprietor or Tenant through whose Grounds the Road is intended to run; which said Jury shall not only take into their consideration the Loss or Damage that the said Proprietor or Tenant may incur, but also the Advantage, if any, that may accrue to him by the Road or alteration increasing the value of such Lands.

(if any) to accrue to person through whose lands the same is to run.

Jury to consider also the advantage that may accrue by reason of the road increasing the value of the land.

II. And be it further enacted, That the Verdict of the said Jury, under their hands and seals, and the hand and seal of the Sheriff or Coroner, shall be duly returned into the Office of the Prothonotary of the Supreme Court, within *Thirty Days* after the Teste of the said Writ.

Verdict to be returned into Prothonotary's Office within 30 days after teste of Writ.

III. And be it further enacted, That it shall and may be lawful for either the Governor, Lieutenant Governor, or Commander in Chief for the time being, or the Proprietors or Tenants of the Soil, who may think themselves aggrieved by such Verdict, to cause an Appeal to be entered against the same at the Term next after the finding thereof; and if after hearing such Appeal, it shall appear to the said Court that justice hath not been done, it shall and may be lawful for the said Court to order and direct that an Alias Writ be issued, and a new Jury summoned, the Verdict found by which said second Jury shall be final and conclusive, and when returned as aforesaid, shall be entered of Record in the said Court.

Lt. Governor or Proprietor or Tenant of the soil, may appeal against such verdict at the Term next after its finding. Court may on hearing order an Alias Writ and a new Jury to be summoned, the verdict of which to be final, and to be entered of record.

IV. And be it further enacted, That upon Payment or Tender to the Tenants or Proprietors of the Soil of the sum so found, made by such Person as may be appointed for that purpose, the right of Highway in and over the said Lands shall be and remain vested in the Crown; and the Governor, Lieutenant Governor, or other Commander in Chief for the time being, is hereby authorized to grant his Warrant, under his hand and seal, to the Treasurer of this Island, for the payment of all such sums of money as shall be assessed as aforesaid.

On payment or Tender to Tenant or Proprietor of the sums found, the right of highway to be vested in the Crown.

Warrant for payment to be granted.

Provided always, That no such payment shall be made to the Proprietor or Tenant, until the Lands

Proviso, no payment to be made

until lands are taken possession of.

shall have been actually taken possession of for the said Highway.

V. And Whereas lines of Road through Wilderness Lands are often of great benefit to the Lands through which the same do pass, and tend to increase greatly the value of such Lands, and it is but just and reasonable that the Proprietors thereof should contribute to the Formation of such Roads:

When Lt. Governor with advice of Council, may deem it necessary to open roads through unsettled lands, he may order a Writ to be issued and a Jury summoned as aforesaid, notice being given to Proprietor or Agent, if resident in the Island; Jury to be sworn to declare what advantage the Proprietor may derive from road passing through his lands, and what sum to be paid by him, and shall estimate the value per acre of land adjoining road, such estimate to form part of verdict,

to be returned within time limited as aforesaid: Sums assessed by Jury to be paid into Treasury.

Right of Appeal.

Be it therefore enacted, by the authority aforesaid, That when and so often as the Governor, Lieutenant Governor, or other Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall deem it necessary to cause Roads to be opened through unsettled Lands, it shall and may be lawful for him to order a Writ to be issued, and a Jury to be summoned as aforesaid, (due notice being given to the Proprietor or his Agent, if resident within this Island, to attend if he may see fit) who shall be sworn well and truly to ascertain and declare what Advantage it may be to the Proprietor through whose Lands the said Road is intended to be opened or pass, and what sum of money shall be paid by him for the same; which said Jury having found such amount, shall then proceed to estimate the value of the Lands, per acre, adjoining such Roads, or through which such Roads shall pass, which Estimate shall form part of the Verdict; and the whole shall be duly returned into the said Supreme Court within the time limited and prescribed as aforesaid: And the sum or sums so assessed by the Jury as aforesaid shall be paid by the Proprietor or Proprietors into the Treasury of this Island, to be applied to the making and repairing the said Road, and to no other purpose whatsoever, subject nevertheless to an Appeal to the Supreme Court, in manner and under the regulations in all respects as provided and declared in the third Section of this Act.

At option of Proprietors to pay in money or

VI. And be it further enacted, That it shall be at the option of the Proprietors to pay the sum so assessed by the said Jury, either in Money or in

Land, at the value estimated as aforesaid; and the Lands so surrendered shall be vested in the Crown to and for the purposes of this Act, and none other: And the Governor, Lieutenant Governor, or Commander in Chief for the time being, is hereby authorized and empowered to grant his Warrant under his hand and seal to the Treasurer of the said Island, for the payment of all such Expenses, Costs and Charges as shall be incurred in carrying into effect the provisions of this Act, as hereinbefore mentioned.

land at the value estimated; lands so surrendered to be vested in the Crown for the purposes of this Act.

Government to defray Costs.

VII. And be it further enacted, by the authority aforesaid, That in case the Proprietors or their Agents shall neglect or refuse to pay such sum or sums of money so assessed as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to issue his Warrant, under his hand and seal, directed to the Surveyor General, or other competent Surveyor, commanding him to cause so much of the said Lands as will amount to the sum assessed, at the price estimated, to be surveyed, and Plans and Descriptions thereof made, one of which shall be duly returned into the Office of the Register of Deeds and Conveyances in this Island, who shall register the same, and the other shall be kept in the Office of the said Surveyor General.

Proprietors or Agents neglecting or refusing to pay sums assessed,

Surveyor General, or other competent Surveyor, to cause so much of lands as will amount to sum assessed, to be surveyed, and plans made.

VIII. And be it further enacted, That the said Lands shall be set up at Public Auction by the Sheriff or Coroner, at such upset price as the Governor, Lieutenant Governor, or Commander in Chief for the time being, shall think reasonable, and sold to the highest bidder; and the monies arising therefrom shall be expended upon making, altering, or repairing the said Roads, and for no other purpose whatever.

Said Lands to be set up at Auction,

and sold to highest bidder. Monies arising therefrom to be expended on said roads.

IX. And be it further enacted, That the Sheriff or Coroner shall, and he is hereby authorized and empowered to make and execute a sufficient Deed or Conveyance of the said Land to the Purchaser or Purchasers, which shall be held and deemed to be

Sheriff or Coroner authorized to execute a conveyance to purchaser or purchasers,

to be good and valid in law.

good and effectual in the Law for the vesting the said Land in the Purchaser or Purchasers thereof, their Heirs and Assigns, for ever.

Suspending clause. Allowed by His Majesty in Council, Nov. 22, 1830.

Provided nevertheless, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

CAP. XI.

An Act for the Security of Navigation, and for Preserving all Ships, Vessels and Goods which may be found on Shore, wrecked or stranded upon the Coasts of this Island; and for Punishing Persons who shall Steal Ship-wrecked Goods; and for the Relief of Persons suffering Loss thereby.

WHEREAS the Preservation of Ship-wrecked Goods, as well as the Punishment of Persons who shall plunder or conceal the same, are objects of great importance:

Wrecked Ships, Goods. &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any Ship or Vessel which shall be in distress, or wrecked, stranded or cast a-shore, or any Goods, Merchandize, or Articles of any kind, belonging to such Ship or Vessel, or otherwise, which shall be forced on shore, wrecked or stranded upon the Coasts of this Island, or which shall be found floating in the Rivers, Bays, or Harbours thereof, or so near to the Coasts thereof as to be within soundings, shall be carefully preserved and taken care of, for the right Owner or Owners; and the Person or Persons discovering or finding the same shall give immediate notice to any one or more of the several Officers hereafter named, viz: to the Sheriff of the Island, Coroner, Officers of the Customs, Officers of Impost, or Justices of the Peace, whichsoever of them, or either or any of

to be preserved for owners, and persons discovering same to give notice to the Sheriff, Coroner, Officers of Customs, Officers of impost, or Justices of Peace.

them, shall be nearest at hand, and such Officer or Officers, or a majority of them (if more than one shall attend,) shall immediately take all necessary measures for securing and preserving of all such Ships, Vessels, Goods, Effects, and Property of every kind, and shall proceed therewith as hereinafter directed. And if any Person or Persons whatsoever shall plunder, steal, take away or destroy any part of any Ship or Vessel which shall be in distress, or wrecked, stranded, or cast on shore as aforesaid, or any Goods, Merchandize, or Articles of any kind, belonging to such Ship or Vessel, or otherwise, or which shall be wrecked, lost, stranded, or cast on shore on the Coasts of this Island, or shall steal or take away any kind of Ship-wrecked or lost Goods, Wares, or Merchandize which shall be found floating in the Rivers, Bays, or Harbours of this Island or contiguous to the Shores thereof, except so far as it may be necessary to take possession of them for security; or shall beat or wound, with intent to kill or destroy, or otherwise wilfully obstruct the escape of any Person or Persons endeavouring to save his, her or their life, or lives from such Ship or Vessel, or shall put out any false Light or Lights with intention to bring any Ship or Vessel into danger, then and in all such cases, the Person or Persons so offending shall be deemed guilty of Felony, and, being lawfully convicted thereof, shall suffer Death, as in cases of Felony, without Benefit of Clergy.

Persons who shall plunder or destroy any part of such vessel, Goods &c.

or beat or wound, with intent to kill, persons endeavouring to save their lives, or who put out false lights, to suffer death.

Provided always, That when any Goods or Effects which are under the value of *Twenty Shillings* shall be lost, stranded, or cast on shore as aforesaid, and shall be stolen, without any circumstances of cruelty, outrage or violence, then and in such cases it shall be lawful for any Person or Persons to prosecute for such Offence by way of Indictment for Petit Larceny, and the Offenders being lawfully convicted thereof shall suffer such punishment as the Laws in cases of Petit Larceny do enjoin or require.

Proviso, if the amount stolen does not exceed 20s. to be punished as Petit Larceny.

If Goods, &c. wrecked are stolen,

Justices of the Peace to issue Warrant to search for same

and to order same to be delivered to the rightful owner:

Persons convicted of having same in possession, to forfeit a sum not exceeding 5*l.* above the value of Goods, or be committed to Gaol for a term not exceeding 3 months.

II. And be it further enacted, That if any Goods, Merchandize, or Articles of any kind belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall, by virtue of a Search Warrant, to be granted by any one of His Majesty's Justices of the Peace, (who is hereby authorized and required, upon Information on Oath, to grant the same) be found in the possession of any Person, or on the Premises of any Person with his knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful Owner thereof, and the Offender, on conviction of such offence before the Justice, shall forfeit and pay, over and above the value of the Goods, Merchandize, or Articles, a sum of money not exceeding *Five Pounds*, or shall be committed to Prison for a term not exceeding *Three Months*, at the discretion of the said Justice.

Persons exposing Goods, &c. for sale,

suspected to be taken from any wreck,

the same may be seized by the person to whom offered, or any Officer of Customs or Excise, or Peace Officer, who is to give notice thereof to some Justice;

and if the person offering the same for sale cannot shew that he came lawfully thereby,

said Goods to be delivered to the rightful owner, on payment of a reasonable re-

III. And be it further enacted, That if any Person shall offer or expose for sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case, any Person to whom the same shall be offered for sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize or Articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful Owner thereof, upon payment of a reasonable Reward (to be as-

certained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the Justice, shall forfeit and pay, over and above the value of the Goods, Merchandize or Articles, a sum of money not exceeding *Five Pounds*, or be committed to Prison for a term not exceeding *Three Months*, at the discretion of the Justice.

ward to the person seizing. Offender to forfeit a sum not exceeding 5*l*, over value of the Goods, &c. or be committed to Gaol.

IV. And be it further enacted, That the Officers hereinbefore named, or any one or more of them, when any Ship or Vessel shall be in danger of Shipwreck, or when any Vessel or Goods shall be wrecked or cast on shore, or shall be discovered floating as aforesaid, are authorized to require and command as many Men of the neighbourhood as shall be thought necessary, to aid and assist in the preservation of the lives of the People on board such Ship or Vessel, and to preserve and save the Vessels, Goods, or whatever else may be wrecked or lost, or in danger thereof; and such Officer or Officers may, if necessary, command or order the Master or principal Officer of any Ship or Vessel which may be at anchor near to the place where such assistance shall be required, to furnish assistance with his or their Boats and as many Men as they can conveniently spare; and all persons so ordered by such Officer or Officers to aid and assist for the purposes aforesaid, are required to give their attendance accordingly, and to yield ready obedience to the orders which such Officer or Officers shall from time to time give for the accomplishment of the purposes aforesaid; and if any Person or Persons whatsoever, when commanded by such Officer or Officers to give his or their attendance for the purposes aforesaid, or when notified so to do by a Person appointed by such Officer or Officers for that purpose, shall refuse to attend and give his assistance, or shall disobey any of the lawful orders which such Officer or Officers shall give to such Person or Persons touching or concerning the premises, it shall and may be lawful for any one

Officers hereinbefore named empowered to demand assistance of Inhabitants contiguous to a wreck,

and of Master or Officers of any Ship or Vessel at anchor near the same.

Persons refusing to assist, &c.

to be committed to Gaol for trial, unless security be given;

of His Majesty's Justices of the Peace, on complaint thereof made on Oath, to commit such Offender or Offenders to the nearest Gaol for Trial, unless he or they shall give good Security to appear and answer to such complaint at the next sitting of the Supreme Court of Judicature;

and if found guilty, to forfeit a sum not exceeding 20*l*,

and if such Person or Persons shall, on Information to be exhibited against him or them, be found guilty, the Person or Persons so convicted shall each pay a fine not exceeding *Twenty Pounds*,

or be imprisoned for a term not exceeding six months.

or be imprisoned in the nearest Gaol for a term not exceeding *Six Months*, at the discretion of the Justices of said Court, and according to the nature and circumstances of the Offence. And for the encouragement of such Person or Persons as give assistance to such Ships or Vessels so in distress, or to the People or Crew thereof who may be in danger, or who shall assist in the securing and preserving for the right Owners any Property whatsoever which shall be wrecked, lost, cast on shore, or found floating as aforesaid,

Persons to be paid for assisting.

such Person or Persons shall, within Thirty days after the service performed, be paid a reasonable Reward for the same by the Commander, Principal Officer, Mariners, Seamen or Owners of the Vessel, Goods or Property preserved as aforesaid; and the Goods and Property so saved, or, in default thereof, the Vessel or her Materials, shall remain and be held in the custody of any or either of the hereinbefore named Officers until such charges be paid; and the Officer or Officers, and all others who shall aid in performing such service, shall be reasonably compensated for the assistance which he or they have actually and fairly given touching or concerning the premises.

Proviso, persons guilty of dishonesty, misbehaviour, &c. to receive no compensation.

Provided always, That no Person or Persons shall be entitled to receive any compensation for his, her or their service if, during the time thereof, he or they shall have been guilty of dishonesty, misbehaviour, or disorderly conduct of any kind, and unless the Officer or Officers, if any such shall attend and direct the making of such Salvage, shall

certify the services actually performed by each and every person who shall demand compensation; and the quantum of such reward or compensation to be paid to the Officer or Officers, Person or Persons claiming the same, shall be adjudged and settled on a Reference to be made to Three of the neighbouring Justices of the Peace, to be mutually chosen by the Parties, which Justices shall adjust the quantum of the Reward or Compensation to be paid to the Persons employed in making such Salvage, and such adjustment shall be binding to all Parties: And the Officer or Officers in whose custody the said Goods so saved may be, shall sell so much thereof as will be sufficient to satisfy and pay the sum and sums of money adjusted and allowed for the Salvage thereof, with incidental charges incurred; or if the Goods are in danger of perishing or of being otherwise lost by delay, then the whole to be sold, and shall put some principal Officer of His Majesty's Customs, or some other responsible person in case no such Officer is present to receive the same, into immediate possession of the Goods or Money remaining after payment of the Salvage and Costs aforesaid, first taking an account in writing of the said Goods or Money, to be signed by the Officer of the Customs, or Person receiving the same: And if the said Money or Goods shall not be legally claimed within the space of Twelve Months next ensuing by the Owner thereof, such of the Goods as may be on hand shall be forthwith sold at Public Auction, and the Monies arising from such Sale or Sales (reasonable charges being first deducted,) with a fair and just Account of the whole, shall be paid into the Treasury of this Island for the use of His Majesty's Government.

The quantum of reward to be settled by 3 Justices.

Officer to sell part of Goods, to pay salvage;

if Goods are in danger of perishing, the whole to be sold.

If no person appear to claim property, the proceeds to be paid into the Treasury, for the use of Government.

V. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons whatsoever, under pretence of making Salvage under the authority of this Act, or under any pretence whatsoever, to meddle or interfere with any kind of Property whatsoever, if there be

Proviso, if the property be found in lawful charge of any person,

found any Person or Persons whatsoever in the lawful possession thereof, unless such Person or Persons shall require his, her or their assistance, in which case notice shall be immediately given to one or more of the Officers hereinbefore named that such assistance is wanted; and it shall and may be lawful for the Master, or other Person or Persons having charge of any Ship or Vessel, or Property so wrecked or in distress, or for the Officer or Officers who shall come to his or their assistance, to repel by force any Person or Persons who shall dare to enter such Ship or Vessel, or to meddle with such property, without his or their leave, consent, or orders; and the Person or Persons who shall molest, insult, or disturb the Officer or Officers hereinbefore named, and those acting under his or their authority in and about the Premises, such Person or Persons, if convicted thereof in the Supreme Court of Judicature, shall be punished as for a Misdemeanor.

no one to interfere unless requested, under pain of being punished as for a misdemeanor.

VI. And be it further enacted, That if any Person or Persons whatsoever shall be sued or prosecuted for any thing done in pursuance and execution of this Act, such Person or Persons, in whatever Court such Suit or Prosecution shall be commenced, may give this Act, and the Special matter in Evidence on the General Issue, and shall have his Costs awarded him, if entitled thereto, from the Plaintiff or Prosecutor, with the usual Remedy for the Recovery thereof.

Persons sued may give this Act &c. in evidence.

VII. And be it further enacted, That if any Person or Persons whatsoever shall make, or aid or assist in making, any hole or passage in the Bottom, Side, or other part of any Ship or Vessel, whether in distress or otherwise, if done with an intention wilfully to cause or increase the distress of such Ship or Vessel; or shall steal or take away, or wilfully destroy, or in any other way wilfully render useless the Pump of a Ship or Vessel whether in distress or not, if so done with a wilful intention to produce the loss or other danger of such Ship or Vessel; or shall wilfully

Persons to suffer death who make any hole in a Vessel, or otherwise attempt to destroy her.

do any other matter or thing whatsoever tending to produce the loss or destruction of any Ship or Vessel whatsoever, such Person or Persons shall be and are hereby made Guilty of Felony, without any Benefit of his, her or their Clergy.

Provided always, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

Allowed by His Majesty in Council Dec. 7th, 1829.

CAP. XII.

An Act to alter amend and repeal certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled "An Act for the better Regulation of Elections," and to regulate Elections for Members to serve in General Assembly in future.*

This Act not approved of by His Majesty.

CAP. XIII.

An Act to Confirm certain Marriages heretofore solemnized in this Island.

Not assented to by His Majesty.

CAP. XIV.

An Act to amend an Act intituled *An Act to render perpetual an Act intituled 'An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.'*

See 59, G. 3, c. 4, and 9, G. 4, c. 6.

WHEREAS by the Act above mentioned there is not any Provision made for the Examination of Witnesses out of this Island in cases where

Judgment shall have been marked by Default: For remedy whereof—

In civil cases depending in Supreme Court, in which Judgment shall have been marked by default, the Court, or one of the Justices in vacation, upon application, may authorize a Commission to issue for the examination of Witnesses out of the Island:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all Civil Cases, which may at any time after the passing of this Act be depending in the Supreme Court of Judicature, and in which Judgment shall have been marked by Default, it shall and may be lawful for the said Court, or for any one of the Justices of the same in Vacation, upon application under the circumstances and in like manner as by the Act above mentioned is described, to authorize the issuing of a Commission under the Seal of the said Court, for the Examination of any Witness or Witnesses residing out of this Island; and the Depositions of such Witness or Witnesses, to be taken under such Commissions, shall have the same force and effect, and the Proceedings under such Commission shall be regulated in like manner as if Issue had been joined in any of such Causes.

Depositions of such Witnesses to have same force and effect, and proceedings to be regulated, as if Issue had been joined in such causes.

Act to be in force for 5 years.

II. And be it further enacted, That this Act shall remain and be in force for and during the term of Five years from and after the passing hereof, and from thence to the end of the next Session of the General Assembly, and no longer.

CAP. XV.

Continued by 1, Will. 4, c. 2. and Repealed by 2, Will. 4, c. 1.

An Act in further amendment of an Act made and passed in the Sixth year of the present King, intituled *An Act to Regulate the Performance of Statute Labour on the Highways; and to suspend an Act made and passed in the Thirty-fifth year of the late King intituled 'An Act to alter and amend the High Road Laws.'*

CAP. XVI.

An Act to indemnify the Treasurer of this Island and all other Persons concerned in paying certain Monies on Warrants issued since the last Session of the General Assembly.

Temporary.

CAP. XVII.

An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Sixth Year of His Present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of His late Majesty, intituled "An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned."*

Repealed.

WHEREAS the said Act is near expiring, and the same has been found beneficial:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, made and passed in the Eighth Year of the Reign of His present Majesty, intituled "An Act to continue an Act made and passed in Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of His late Majesty, intituled 'An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned,' be continued, and the same is hereby continued, for the space of *Five Years*, and from

G. 4, c. 11, continued for 5 years.

thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XVIII.

Expired.

An Act to continue and amend an Act made and passed in the Eighth Year of His present Majesty, intituled *An Act for raising a Fund, in aid of supporting the Light House on Cranberry Island.*

CAP. XIX.

Repealed by 3, Will. 4, c. 13, Sec. 1.

An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to negociate a Loan, for The purpose of erecting a Government House and a Building for an Academy.

CAP. XX.

Expired.

An Act to continue an Act made and passed in the Ninth Year of His present Majesty, intituled *An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty, intituled An Act to revive, alter and continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea, and to appropriate the Monies hereby granted.*

CAP. XXI.

An Act to continue and amend an Act made and passed in the Ninth Year of His Present Majesty, intituled 'An Act to continue and alter an Act made passed in the Eighth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Sixth Year of His present Majesty's Reign intituled An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island, and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled an Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island, and to appropriate the Monies hereby granted. Expired.

CAP. XXII.

An Act for appropriating certain Monies therein mentioned. Executed.

Anno Undecimo Regis Georgii IV.

1830.

At the General Assembly of His Majesty's ISLAND PRINCE EDWARD, begun and holden at Charlotte-Town, the Fifteenth day of January, Anno Domini One Thousand Eight Hundred and Twenty-five, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued, by several Prorogations, unto the Fourth day of March, One Thousand Eight Hundred and Thirty, and in the Eleventh Year of His said Majesty's Reign, being the Sixth Session of the Twelfth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

E. J. JARVIS, President of Council.

JOHN STEWART, Speaker.

CAP. I.

An Act to continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to regulate the Duties and Charges of Pilots within this Island.*

WHEREAS the above Act is about to expire, and it is deemed expedient to continue the same—

Act of 5, G. 4, c. 11. continued for 10 years.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled "An Act to regulate the Duties and Charges of Pilots within this Island"—be, and the same is hereby continued in full force and effect for and during the space of *Ten Years*, and from thence to the end of the next Session of the General Assembly, and no longer.

CAP. II.

Executed.

An Act to repeal an Act made and passed in the Tenth Year of His present Majesty's Reign, intituled *An Act to regulate the Introduction of Passengers, in Vessels arriving in this Island.*

CAP. III.

Expired.

An Act for the Establishment and Support of Schools—and to repeal the Acts heretofore passed for that purpose.

CAP. IV.

An Act to explain certain parts of an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty, intituled *An Act for the Relief of Insolvent Debtors.*

Repealed by 3, W. 4, c. 1.

CAP. V.

An Act to require Clergymen and Others authorized to solemnize Marriages, to return Certificates thereof to the Surrogate of the Island; and to require Clergymen to keep a Record of Baptisms.

WHEREAS much serious Inconvenience has arisen, and may continue to arise, from Clergymen and others neglecting to transmit proper Returns or Certificates of Marriages by them performed:

For remedy whereof—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Clergymen and others authorized to solemnize Marriage Contracts shall, and they are hereby required to transmit, within the period of *Six Months*, a Certificate of the Celebration, of each Marriage by them performed, together with the Names of the Parties witnessing the same, to the Surrogate of the Island; which Certificate shall be in manner and form following:

Persons authorized to solemnize Marriages, to transmit, within 6 months after celebration, a Certificate thereof to the Surrogate of the Island.

Form of Certificate.

Names of the Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By License or Banns.	Names of Witnesses.

"I hereby certify that the above named Parties "were this day married by me under License from "the Lieutenant Governor, [or by Publication of "Banns, as the case may be,] in the presence of the "above named Witnesses."

Surrogate to record the same,

which shall be evidence of such Marriage in any Court.

And the Surrogate is hereby required, on receiving the Fee hereinafter mentioned, to Record the said Certificate in a Book, to be kept for that purpose; which Record shall be deemed due and sufficient Evidence in any Court of Law or Equity to establish the proof of such Marriage.

Surrogate's Fee for recording Marriage.

II. And be it enacted, That any Person authorized to celebrate Marriage Contracts shall be entitled (in addition to his usual Fee) to demand and receive from the Parties married by him the Sum of *One Shilling* and *Six Pence*, which Sum he is hereby required to pay to the Surrogate, as a Fee for Recording such Certificate; and every Person desirous of a certified Copy thereof from the Record, shall be entitled to the same, on paying to the said Surrogate the Sum of *One Shilling* and *Six-Pence*.

Surrogate to give a certified Copy, on receiving a Fee of 1s. 6d.

Ordained Clergymen to keep a Record of Baptisms.

III. And be it enacted, That every Ordained Clergyman within this Island shall keep a Record of the Names and Ages of the Children by him Baptized, together with the Names of the Parents, and the Date of the Celebration of the Rite in each case; and for every Certificate from such Record such Clergyman shall be entitled to receive the Sum of *One Shilling* and *Six Pence*.

Fee for granting Certificates from such Record.

Clergymen &c. neglecting or refusing to comply with this Act, to forfeit 5*l*.

Appropriation and Mode of recovery.

IV. And be it enacted, That each and every Clergyman, or other Person authorized to solemnize Marriages, who shall refuse or neglect to comply with the Provisions of this Act, shall, for each and every Neglect or Refusal, forfeit and pay into the Treasury of this Island the Sum of *Five Pounds*, for the use of His Majesty—to be recovered before any one of His Majesty's Justices of the Peace.

Allowed by His Majesty in Council, Feb. 6, 1832.

V. And be it further enacted, That nothing herein contained shall have any force or effect until His Majesty's pleasure be known.

CAP. VI.

An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth Year of His late Majesty's Reign, intituled *An Act for better preventing Accidents by Fire, within Charlotte-Town and the Suburbs thereof.*

Expired.

CAP. VII.

An Act for the Relief of His Majesty's Roman Catholic Subjects.

WHEREAS the Imperial Parliament of the United Kingdom of Great Britain and Ireland has seen fit, in its wisdom and equity, to grant Relief to the Roman Catholics of Great Britain and Ireland: And whereas His Majesty's Government has recommended the adoption of a similar measure in this Colony; wherefore, for the Relief and Benefit of His Majesty's Roman Catholic Subjects of this Colony—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act, all such part or parts of any Statute or Statutes of this Colony as has or have a tendency or power to render ineligible, or incapacitate, for various Offices, and to impose Civil or Political Disabilities upon any of His Majesty's Subjects professing the Roman Catholic Religion, be, and the same is and are hereby repealed.

Repeals former Statutes repugnant to this Act.

II. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for any of His Majesty's Subjects professing the Roman Catholic Religion to elect and be elected a Member of the House of Assembly, being otherwise duly qualified; and to hold, exercise, and enjoy all Civil and Military Offices and places of

Roman Catholics may elect and be elected members of the Assembly,

and hold Offices and places of

trust and Profit,

on taking the Oath following:

Trust or Profit under His Majesty, His Heirs and Successors, in this Colony; and to exercise any other Franchise or Civil Right, upon taking the following Oath, instead of the Oaths of Allegiance, Supremacy and Abjuration, and instead of such other Oath or Oaths as are or may be now by Law required to be taken for the purposes aforesaid, by any of His Majesty's Subjects professing the Roman Catholic Religion:—

Form of Oath.

"I A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance to "His Majesty King George the Fourth, and will "defend him to the utmost of my power against "all Conspiracies and Attempts whatever which "shall be made against His Person, Crown, or "Dignity; and I will do my utmost endeavour to "disclose and make known to His Majesty, His "Heirs and Successors, all Treasons and Traitor-"ous Conspiracies which may be formed against "Him or them: And I do faithfully promise "to maintain, support, and defend, to the utmost "of my power, the Succession of the Crown, "which succession, by an Act intituled, "An Act "for the further Limitation of the Crown, and "better securing the Rights and Liberties of the "Subject," is and stands limited to the Princess "Sophia, Electress of Hanover, and the Heirs of "her Body, being Protestants—hereby utterly "renouncing and abjuring any Obedience or Alle-"giance unto any other Person claiming or preten-"ding a right to the Crown of this Realm. And "I do further declare, that it is not an Article of "my Faith, and that I do renounce, reject and "abjure the opinion that Princes excommunicated "or deprived by the Pope, or any other Authori-"ty of the See of Rome, may be deposed or "murdered by their Subjects, or by any Person "whatsoever. And I do declare that I do not "believe that the Pope of Rome, or any other "Foreign Prince, Prelate, Person, State, or Po-"tentate, hath, or ought to have, any Temporal

"or Civil Jurisdiction, Power, Superiority, or "Preeminence, directly or indirectly, within this "Realm. I do swear that I will defend, to the "utmost of my power, the Settlement of Proper-"ty within this Colony, as established by the "Laws; and I do hereby disclaim, disavow, and so-"lemnly abjure any intention to subvert the present "Church Establishment, as settled by Law "within this Realm. And I do solemnly swear, "that I never will exercise any Privilege to which "I am or may become entitled, to disturb or "weaken the Protestant Religion or Protestant "Government in this Colony, or any other part "of His Majesty's Dominions: And I do "solemnly in the presence of God, profess, testify, "and declare, that I do make this Declaration, "and every part thereof, in the plain and ordinary "sense of the words of this Oath, without any Eva-"sion, Equivocation, or mental Reservation what-"soever—*So help me God.*"

The Name of the Sovereign for the time being to be used in the Oath.

III. And be it further enacted, That wherever in the Oath hereby appointed and set forth the Name of His present Majesty is expressed or referred to, the Name of the Sovereign of this Realm for the time being, by virtue of the Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject, shall be substituted, from time to time, with proper words of reference thereto.

No Roman Catholic Priest to sit in the House of Assembly.

IV. And be it further enacted, That no Person in Holy Orders in the Church of Rome shall be capable of being elected to serve in Parliament as a Member of the House of Assembly; and if any such Person shall be elected to serve in Parliament, as aforesaid, such Election shall be void: And if any Person, being elected to serve in Parliament as a Member of the House of Assembly, shall, after his Election, take or receive Holy Orders in the Church of Rome, the Seat of such Person shall immediately become void: And if any such Person shall, in any of the cases aforesaid, presume to sit

or vote as a Member of the House of Assembly, he shall be subject to the same Penalties, Forfeitures and Disabilities as are enacted by an Act of the Imperial Parliament, passed in the Forty-first Year of the reign of King George the Third, intituled "An Act to remove doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons:" And proof of the celebration of any Religious Service by such Person, according to the Rites of the Church of Rome, shall be deemed and taken to be *prima facie* Evidence of the Fact of such Person being in Holy Orders, within the intent and meaning of this Act.

What shall be deemed evidence of being in Holy Orders.

V. Provided always, and be it enacted, That nothing herein contained shall be construed to exempt any Person professing the Roman Catholic Religion from the necessity of taking any Oath or Oaths, or making any Declaration, not hereinbefore mentioned, which are or may be by Law required to be taken or subscribed by any Person on his Admission into any such Office or Place of Trust or Profit, as aforesaid.

Not to exempt Roman Catholics from taking other Oaths required.

VI. And be it further enacted, That any Person professing the Roman Catholic Religion who shall, after the commencement of this Act, be appointed to any Office or Place of Trust or Profit under His Majesty, His Heirs or Successors, in this Colony, shall, within *Three Calendar Months* next before such appointment, or otherwise, before he presumes to exercise or enjoy, or in any manner to act in such Office or Place, take and Subscribe the Oath hereinbefore appointed and set forth, either in His Majesty's High Court of Chancery, or Supreme Court of Judicature, in this Colony, or before any Judge of the Supreme Court aforesaid, or in any Court of General or Quarter Sessions of the Peace in this Colony for the County or Place where the Person so taking and subscribing the Oath shall reside: And the proper Officer of the Court in which such Oath shall be so taken and subscribed shall cause the same to be preserved

Time and manner of Taking Oaths of Office prescribed:

amongst the Records of the Court; and such Officer shall make, sign, and deliver a Certificate of such Oath having been duly taken and subscribed as often as the same shall be demanded of him, upon payment of *Two Shillings* and *Six Pence* for the same; and such Certificate shall be sufficient Evidence of the Person therein named having duly taken and subscribed such Oath.

Penalty on acting in Offices without taking the Oath.

VII. And be it enacted, That if any person professing the Roman Catholic Religion shall enter upon the exercise or enjoyment of any Place or Office of Trust or Profit under His Majesty in this Colony, or of any other Office or Franchise, not having in the manner and at the times aforesaid taken and subscribed the Oath herein before appointed and set forth, then, and in every such case, such Person shall forfeit to His Majesty the sum of *Two Hundred Pounds;* and the Appointment of such Person to the Office, Place, or Franchise so by him held, shall become altogether void, and the Office, Place, or Franchise, shall be deemed and taken to be vacant, to all intents and purposes whatsoever.

Penalties how to be recovered.

VIII. And be it enacted, That all Penalties imposed by this Act shall and may be recovered as a Debt due to His Majesty, by information to be filed in the name of His Majesty's Attorney General for this Island in the Supreme Court of the said Island.

CAP. VIII.

An Act to alter, amend, and suspend certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.*

For Acts relating to Elections, see 47 G. 3, c. 3, and 2d W. 4, c. 9.

WHEREAS the said Act, by which Members for the General Assembly are now elected and chosen, requires alteration and amendment—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act no person shall be admitted to vote at the Election of a Member to serve in General Assembly for any County in this Island, unless he is possessed of a Freehold Estate of the value of *Forty Shillings* per annum, or a Leasehold Estate for a term of years of the yearly Rent of *Forty Shillings*, or shall be a Resident Housekeeper of a House and Premises of the yearly Rent of *Five Pounds*, and so being a Resident Housekeeper, shall have been in possession thereof for the space of *Six Months* before the Teste of the Writ or Writs of Election.

Qualifications of Electors for Counties.

II. And be it further enacted, by the authority aforesaid, That each and every Person within any Town or Royalty in this Island possessed in his own Right as of Fee of a Dwelling House or Messuage of the yearly value of *Ten Pounds*, or a whole Town, Pasture, Common, or Water Lot, shall be admitted to vote for a Member or Members to serve in General Assembly for such Town or Royalty; and that no Resident Tenant within such Town or Royalty in this Island shall be en-

Qualifications of Electors for Towns and Royalties.

titled to vote for any Member to serve in General Assembly to represent the same, unless he shall occupy a Dwelling House, or other premises, of the yearly Rent of *Ten Pounds*, and shall have been in Possession thereof for the space of *Twelve Months* before the Teste of said Writ or Writs of Election—and the same shall not extend, nor be construed to extend, to entitle him to vote for Members to serve in General Assembly for the County in which such Town or Royalty is situated.

Not to entitle such persons to vote for County Members.

III. And be it further enacted, by the authority aforesaid, That if any Person or Persons shall be seised or possessed of a Freehold or Leasehold Qualification to vote for any Member to serve in General Assembly, as aforesaid, *Six Calendar Months* before the issuing of the Writ or Writs of Election, the same Qualification shall be deemed and held sufficient, if the same be duly Registered in the Register Office *One Month* before the Teste of such Writ or Writs of Election.

Freehold or Leasehold qualification to be registered.

IV. And whereas the Places for holding Elections for Members to serve in General Assembly for the respective Counties in this Island, as they are now by Law established, have, by the increase of Population, been found inconvenient—

Be it therefore enacted, by the authority aforesaid, That for the County of Queen's County, the Poll after due Proclamation, as by Law established, shall be first opened at Charlotte-Town, where the Returning Officer is hereby empowered and required to take the Votes of all Persons duly qualified, who shall appear and offer their Votes, for the space of *Three Days*—and from thence shall adjourn the Poll, at the request of any Candidate, or any Elector representing him, to Campbeltown, Lot Number Twenty-one, on the South side of Stanley River, where the Poll shall be kept open for the space of *Two Days*, to receive the Votes of all the Voters duly qualified, who shall appear and offer their Votes—and from thence shall adjourn, at the Request of any Candidate, or any Elector re-

Poll for Queen's County to be first opened at Charlotte-Town,

and kept open for 3 days:

May be adjourned to Campbeltown, and there kept open for 2 days:

May be adjourned to Pi-

nette Mill, and there kept open 2 days:

presenting him, to at or near Pinette Mill, where the Poll shall be kept open for the space of *Two Days*, to receive the Votes of all the Voters duly qualified, who shall appear and offer their Votes: And for the County of King's County, the Poll, after due Proclamation, as by Law established, shall be first opened at Georgetown, where the Returning Officer is hereby empowered and required to take all the Votes of Persons duly qualified, who shall appear and offer their Votes, for the space of *Three Days*—and from thence shall adjourn, at the Request of any of the Candidates, or any Elector representing him, to at or near the Presbyterian Meeting-House, North side of Murray Harbour, on Township Number Sixty-three, where the Poll shall be kept open for the space of *Two Days*, to receive the Votes of all the Voters duly qualified, who shall appear and offer their Votes—and from thence shall adjourn, at the Request as aforesaid, to at or near the Bridge at the Head of Saint Peter's Bay, where the Poll shall be kept open for a like number of Days, to receive the Votes of all the Voters duly qualified, who shall appear and offer their Votes: And for the County of Prince County, the Poll, after due Proclamation, as by Law established, shall be first opened at Princetown, or Princetown Royalty, where the Returning Officer is hereby empowered and required to take all the Votes of persons duly qualified, who shall appear and offer their Votes, for the space of *Three Days*—and from thence shall adjourn, at the Request of any Candidate, or any Elector representing him, to the Settlement called Bedeque, on the South side of Dunk River, near the Baptist Chapel, where the Poll shall be kept open for the space of *Two Days*, to receive the Votes of all the Voters duly qualified, who shall appear and offer their Votes—and from thence shall adjourn, at the Request as aforesaid, to at or near Hillstown, on Township Number Five, where the Poll shall be kept open for a like number of Days, to receive the

Poll for King's County, to be first opened at Georgetown,

there to be kept open for 3 days:

May be adjourned to Murray Harbour, there to be kept open 2 days:

May be adjourned to Head of St. Peter's Bay, and there kept open for 2 days.

Poll for Prince County, to be first opened at Princetown or Royalty,

there kept open for 3 days:

May be adjourned to Bedeque, there kept open for 2 days:

May be adjourned to Hillstown, Lot. 5, and there kept open 2 days.

Votes of all the Voters duly qualified, who shall appear and offer their Votes.

V. And be it further enacted, by the authority aforesaid, That the Sheriff of this Island, or his Deputy for the time being, shall, within *Seven Days* after he shall have received His Majesty's Writ for electing Members to serve in the General Assembly thereof, cause a sufficient number of Copies to be made of the said Writ, one whereof he shall cause, within the time aforesaid, to be posted up at each of the most inhabited parts or places of this Island; and upon each and every of such copy or copies there shall be fairly and distinctly written, the time of holding the said Election, which said last mentioned Notice shall be signed by the said Sheriff or his Deputy: And the said Sheriff or his Deputy shall cause the said Election to be holden at such Time and Place, and in such manner, as in and by the said Writ shall or may be directed, when and where the Freeholders, Landholders, and Tenants may proceed to elect the Member or Members resident within the said Island, required by the said Writ to be elected: And the said Sheriff or his Deputy shall thereupon make due Return in writing upon the back of said Writ, according to the command thereof, of the Persons who shall have been duly elected Members by the major part of the Electors present at such Meeting or Election.

Sheriff within 7 days after receipt of Writ of Election, to post Copies of Writ, &c.

VI. And be it further enacted, That every Sheriff or his Deputy to whom any Writ for electing a Member or Members to serve in the General Assembly of this Island shall be directed, and who shall have published and given such Notice, thereof as is herein before prescribed and directed, shall, on the Day and at the Place mentioned in the said Writ, between the Hours of *Ten* and *Twelve* in the Forenoon, proceed to the Election, by reading the said Writ and this Act; and shall not declare the choice upon the View, without the consent of the Candidates; nor by unnecessary Adjournment delay the Election; but shall, if a Poll be required,

Sheriff to make return on the back of Writ, of the persons elected.

When to commence taking the Poll.

Sheriff not to declare the choice on view, unless by consent of Candidates.

fairly and indifferently proceed, from Day to Day, and from Time to Time, to take the Poll, until all the Electors then and there present be polled.

Application for adjournment to be made the day the Poll is first opened. Sheriff, &c. to notify Electors thereof.

VII. And be it further enacted, by the authority aforesaid, That every Application for Removal or Adjournment of the Poll shall be made on the Day on which the same is first opened, as heretofore mentioned: And the Sheriff, or other Returning Officer, shall, on such Application being made, forthwith notify the Electors of the County of the said Adjournment, by posting Advertisements at Three of the most public places in the District or Districts to which the Poll is to be adjourned, that he will, on the Seventh Day next after the opening of the Poll at the place where the same is first opened, continue the same at the place directed by this Act for the first Adjournment; and that he will, on the Fourteenth Day next after the opening of the Poll where the same is first opened, continue the same at the place directed by this Act for the second Adjourment.

Suspends the 2d, 4th, 10th, 11th, 12th, 26th, and 27th Sections of the Act of the 47th G. 3.

VIII. And be it further enacted, by the authority aforesaid, That the Second, Fourth, Tenth, Eleventh, Twelfth, Twenty-sixth, and Twenty-seventh Sections of the said Act made and passed in the Forty-seventh year of the Reign of His late Majesty, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future'*— be, and the same are, hereby suspended during the continuance of this Act.

Sheriff, &c. shall not close the Poll, unless by consent of the Candidates, without making Proclamation, &c.

IX. And be it further enacted, by the authority aforesaid, That no Sheriff or Returning Officer for any Town or County shall close the Poll, unless with the consent of the Candidates, at any place where the same is opened, without making Proclamation for the Freeholders, Landholders, and Tenants, duly qualified to vote at the Elec-

tion, to come forward and give their Votes; and if, after such Proclamation made, no Voters come forward for the space of *One Hour*, the Poll shall be closed.

X. And whereas much Inconvenience hath been felt in administering the Oaths to Voters, prescribed by the said Act—

Be it enacted, by the authority aforesaid, That no other or further Oath shall be tendered or administered to any Voter at the Hustings than the following:

Form of Elector's Oath.

'I do swear, that I verily believe I am by 'Law entitled to a Vote in the Town or County of ; and that I have been in Possession 'thereof (as the case may be) for Months 'now last past; and the same hath not been made 'fraudulently, on purpose to qualify me to give 'my Vote; and that I have not received or had, 'by myself, or any Person whatever in Trust for 'me, or for my Use and Benefit, directly or in-'directly, any Sum or Sums of Money, Office, 'Place or Employment, Gift or Reward, or any 'Promise or Security for any Money, Office, 'Employment, Gift, or Reward of any kind, in 'order to give my Vote at this Election; and that 'I have not before been polled at this Election; 'and that the place of my abode is at ; 'and that I am of the age of Twenty-one years 'and upwards, as I verily believe:—*So help me 'God.*'

XI. And whereas by the before mentioned Act there is no provision made for the Return of the Sheriff, or other Returning Officer, in the event of Two or more Candidates, at any one Election, having the same number of Votes—

Be it therefore enacted, by the authority aforesaid, That from and after the passing of this Act, no Sheriff or Returning Officer shall make Return as duly elected of any one such Candidate having an equal number of Votes, to the exclusion of the

Candidates having an equal number of votes, Sheriff to return the whole.

other Candidate or Candidates, but shall, in every such case, return the whole of the Candidates having an equal number of Votes, with the Proceedings thereon, to be disposed of by the House of Assembly.

Not to prevent Sheriff, &c. from proceeding on Scrutiny.

Provided always, That nothing herein contained shall prevent, or be construed to prevent, the Sheriff or Returning Officer from proceeding on a Scrutiny, according to Law, and making a Return of his Proceedings on such Scrutiny to the House of Assembly, to be adjudged and determined.

XII. And be it further enacted, That the Oath prescribed to be taken by the Poll Clerks under and by virtue of the said Act, be, and the same is hereby suspended; and instead thereof that the following be substituted—

Form of Poll Clerks' Oath.

'I do swear, that I will at the ensuing 'Election of a Member or Members to serve 'in General Assembly for the County of (or Town 'and Royalty of) truly and indifferently 'take the Poll, and set down the Name of each 'Voter, and for whom he shall Poll and give his 'Vote; and that I will not enter on the Poll 'Books, the Name or Vote of any Person but 'such as shall be permitted by the Sheriff or Re-'turning Officer to vote at this Election; and that 'I will truly enter all and every Vote upon the 'Poll Books without partiality:—*So help me 'God.*'

XIII. And be it further enacted, That instead of the Oath prescribed to be taken by the Elected, in and by the before mentioned Act, the following be substituted:—

Form of Elector's Oath.

'I A. B. do swear, that I truly and *bona fide* 'have such a Freehold or Personal Estate in 'this Island, to and for my own use and benefit '(over and above what will satisfy and clear all 'Incumbrances that may affect the same), of the

'value of *Fifty Pounds*, as doth qualify me to be
'elected and returned to serve as a Member for
' of , according to the tenor and true
'meaning of the Act of the General Assembly of
'this Island, in such case made and provided:—
'*So help me God.*'

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

Continuance of Act.

Provided always, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure shall be known.

Allowed by His Majesty in Council, Feb. 6th, 1832.

CAP. IX.

An Act for the further Security and Recovery of Monies due to His Majesty upon Duties of Impost and Excise—and for Regulating the Offices of Treasurer and Collector of Impost.

WHEREAS it is deemed necessary that, in addition to the present Mode of securing Monies due to His Majesty upon Duties of Impost and Excise, a further Mode of securing the same should be provided—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Collectors of Impost and Excise, in addition to the Recognizance now by Law directed to be taken as Security for the Payment of the Duties of Impost and Excise, shall take from the Principal and Sureties a Warrant of Attorney by them duly executed under their Hands and Seals, to which Warrant of Attorney shall be annexed a written or printed Defeasance, stating the nature and true intent and meaning of such Warrant of Attorney, directed to the Attorney General or Solicitor General, authorizing

With Recognizance taken for duties, Collectors of Excise to take a Warrant of Attorney.

them, or either of them, if any such Sum or Sums of Money shall have become due and unpaid on the said Warrant of Attorney, to appear either in the said Supreme Court during any of its Sittings, or before the Chief Justice, or any of the Judges of the said Court, and to confess Judgment in the Names and on the behalf of the Persons who are the King's Debtors under and by Virtue of any such Warrant of Attorney, for the full Amount of the Sum thereby secured and promised to be paid to the King: And it shall and may be lawful for the said Supreme Court, or for the Chief Justice, or any of the Judges thereof, and they are hereby required to direct the Prothonatory of said Court to file the said Warrant of Attorney, and to cause a Judgment to be regularly entered up, docketed and signed, for the Amount of the Debt secured in such Warrant of Attorney, together with the Costs; and it shall and may be lawful to sue out Execution on behalf of the King for the Amount of the Debt and Costs specified in every such Judgment.

Any Justice of the Supreme Court authorized to direct Judgment to be entered up on such Warrant of Attorney, for the amount due the King, and costs:

Execution may be issued thereon.

II. And be it enacted, That the Treasurer of this Island and the several Collectors of Impost and Excise shall, and they are hereby required to keep a regular set of Books, in which the Accounts belonging to each Office shall be duly entered, kept and balanced; which Books shall be produced for Inspection, with their general Accounts, when called for by the Lieutenant Governor in Council: And upon the Retirement or Removal from Office of the said Treasurer, or any of the said Collectors, the said Books shall be handed over to his Successor, together with all Papers and Documents to the said Office belonging: And should the said Treasurer, or any of the said Collectors, refuse or neglect to keep such Books, or to produce them when called for as aforesaid, or to hand them over, together with the other Papers and Documents, to his Successor in Office, he shall for such neglect or refusal forfeit and pay to His Majesty the sum of *Five Hundred Pounds.*

Treasurer and Collectors of Excise, to keep a set of Books,

to be produced when called for, by Lt. Governor in Council, and to be handed over to their Successors in office.

Treasurer or Collectors neglecting to keep such books, or to produce them when called for, or to hand them over to their Successors, to forfeit 500l.

III. And whereas the Office of Treasurer not being declared by Law to be an Office of Public Record, and there being no right of Access to the Bonds therein kept, great uncertainty prevails in the purchase of Real Estate—

Be it therefore enacted, That from and after the Publication hereof, when and as often as any Person shall make application to the Treasurer to ascertain what Sum or Sums of Money may at any time be due and owing by any particular Individual to His Majesty, he shall be entitled to a Search for that purpose: And the Treasurer is hereby required, between the hours of *Eleven* and *Twelve* in the Forenoon, to grant such Search, for which he shall receive the sum of *One Shilling*, and no more.

Treasurer on application, to allow a search to be made in his office,

and entitled to a fee of 1s. therefor.

IV. And be it enacted, That from and after the Expiration of *Twelve Months* from the passing of this Act, it shall not be lawful for any Person holding the Office of Treasurer of this Island to engage, directly or indirectly, in Trade or Commerce; nor shall such Person at any time, now or hereafter, exchange any of the Public Monies for Premium or Profit; on pain of forfeiting to His Majesty, in either of the above cases, the sum of *Five Hundred Pounds*, and being ever after rendered incapable of holding the said Office of Treasurer.

If the Treasurer shall engage in commerce, or at any time exchange the public money for profit, to forfeit 500*l.* and be rendered incapable of holding office.

V. And be it enacted, That all Penalties or Forfeitures arising by operation of this Act, shall and may be recovered, by Bill, Plaint, or Information, in His Majesty's Supreme Court of Judicature of this Island.

Mode of recovery of fines and forfeitures.

CAP. X.

An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island—and to regulate the Duty of Surveyors.

This Act was passed with a suspending clause, and the Royal Allowance thereof hath not been signified.

CAP. XI.

Expired.

An Act for providing Pounds within this Island —and to suspend an Act made and passed in the Thirty-first year of the Reign of His late Majesty, intituled *An Act for providing* Pounds *in the several Royalties in this Province.*

CAP. XII.

Expired.

An Act to authorize the Conviction and Punishment, in a Summary Way, of Persons committing Common Assaults and Batteries.

CAP. XIII.

Executed.

An Act to authorize the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint Commissioners for Building a *Jail* in Charlotte-Town.

CAP. XIV.

An Act to regulate Hawkers and Pedlers, travelling within this Island.

Preamble.

WHEREAS Hawkers and Pedlers do not in any way contribute towards the support of Government in this Island—

Hawkers and Pedlers.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of May in each year, every Hawker or Pedler travelling in this Island with Goods, Wares, or Merchandise for sale, either on foot or with a Beast or Beasts of Burden or otherwise, shall, before he expose for sale any such Goods, Wares, or Merchandize, obtain from the Lieutenant Gover-

nor, or Commander in Chief for the time being, under his Hand and Seal, a License to travel and sell such Goods, Wares, and Merchandise; for which License there shall be paid as follows:—For every License to any such Hawker or Pedler travelling on foot without a Horse or other Beast of Burden, the sum of *Three Pounds*; and for every License to such Hawker or Pedler travelling with one or more Horse or Horses, or other Beast or Beasts of Burden, the sum of *Six Pounds*—and the Horses or other Beasts of Burden shall be expressly specified in such License.

required to take out Licenses;

Rates payable for Licenses.

II. And be it further enacted, That if any Hawker or Pedler, travelling on foot as aforesaid, shall, after the First day of May next, sell, or expose for Sale, in any Town or Settlement in this Island, any Goods, Wares, or Merchandise, without first having obtained a License, or contrary to such License, such Hawker or Pedler shall forfeit and pay for each and every Offence the Sum of *Two Pounds Ten Shillings:* And if any such Hawker or Pedler, travelling with one or more Horses or other Beasts of Burden as aforesaid, shall expose for Sale any Goods, Wares, or Merchandise, in any Town or Settlement in this Island, after the First day of May next, without first having obtained a License, or contrary to such License, such Hawker or Pedler shall forfeit and pay, for each and every Offence, the sum of *Five Pounds.*

Hawker or Pedler, selling Goods without a License,

to forfeit 2*l.* 10*s.* for each offence;

and travelling with one or more Horses, &c. selling Goods without a License,

to forfeit 5*l.* for each offence.

III. And be it further enacted, That every Person so Trading as aforesaid who, upon demand made by any Justice of the Peace, Sheriff, or Constable, shall refuse to produce and shew the License obtained by him for so trading, he shall forfeit and pay the sum of *Ten Shillings* for every such Refusal.

Hawker or Pedler, on refusing to produce his License on demand to forfeit 10*s.* for every such refusal.

IV. And be it further enacted, That such Hawkers or Pedlers shall not, under any such License so obtained, sell any Wine, Rum, or other Distilled Spirituous Liquors, on pain of forfeiting for every Offence the sum of *Five Pounds.*

Hawkers or Pedlers selling Wine, Rum, &c. to forfeit 5*l.* for every offence.

Articles exempted.

V. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit any Person or Persons from selling any Fruit, Fish, Victuals, or Country Produce; or to hinder any Person or Persons who are the real Makers or Workers of any Goods or Wares from carrying about for sale, or selling, the Goods of his, her or their own Manufacture.

Mode of recovering fines.

VI. And be it further enacted, That all Fines imposed under and by virtue of this Act shall be recovered before any two of His Majesty's Justices of the Peace, either upon View, or Information and Complaint made by any one or more credible Witness or Witnesses, on Oath, or on the Confession of the Party—the same to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels for the Amount of such Fine or Fines, and Costs in recovering the same: And if the said Offender shall have disposed of his Goods and Chattels before the levying of the said Warrant of Distress, and none can be found whereon to levy the same, the said Justices are hereby authorized and empowered to commit the said Offender to the Gaol of Charlotte-Town, for a period not exceeding *Two Months.*

Application of License duty and fines.

VII. And be it further enacted, That all Monies arising from such Licenses or Fines shall be paid into the Treasury of this Island to and for the use of His Majesty. And all His Majesty's Justices of the Peace, Sheriffs, Under Sheriffs and Constables, are hereby required and enjoined to exert their utmost endeavours to cause this Law to be put into execution.

Continuance of Act.

VIII. And be it further enacted, That this Act shall be and continue in force for and during the space of *Five Years,* from the passing hereof, and no longer

CAP. XV.

An Act to continue an Act imposing a DUTY of IMPOST on TOBACCO and TEA.

CAP. XVI.

An Act to authorize a further Issue of TREASURY NOTES—and to continue an Act intituled *An Act to revive and continue two certain Acts therein mentioned.*

For Acts in addition to this Act, see 1st W. 4, c. 15—and 3d W. 4, c. 13.

WHEREAS the above mentioned Act will soon expire—

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act made and passed in the Ninth Year of His present Majesty's Reign, intituled *An Act to revive and continue two certain Acts therein mentioned*—be, and the same is hereby continued in force for *Five Years* from the passing hereof.

Continues the Treasury Note Act of the 9th G. 3d. c. 1, for 5 years.

II. And whereas the former Issues of Treasury Notes have greatly assisted Trade, but have been found insufficient for general Accommodation, it is therefore deemed expedient to make a further Issue:

Be it therefore enacted, by the authority aforesaid, that it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to order a further Issue of Treasury Notes to the Amount of *Three Thousand Pounds*, of which one moiety shall be of the value of *Twenty Shillings* each, and the other moiety of the value of *Ten Shillings* each.

A further issue of Treasury Notes, to the amount of 3000*l.*

III. And be it further enacted, by the authority aforesaid, That this further Issue of Treasury Notes to the Amount of *Three Thousand Pounds*, shall be in the Form, and subject to the Enactments and Provisions of an Act made and passed in the Sixth Year of His present Majesty, intitu-

Issue of Notes under this Act, to be subject to the provisions of 5th G. 4, c. 15; and

6th Geo. 4th, cap. 12.

led *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in the same Year, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled 'An Act to empower the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes'—to issue Notes of the value of Ten Shillings each.*

Continuance of Act.

IV. And be it enacted, That this Act shall be and continue in force for *Five Years* from the passing hereof, and no longer.

CAP. XVII.

Amended by 3d W. 4, c. 29.

An Act for raising a Fund, by an Assessment on Land, for erecting a GOVERNMENT HOUSE and other PUBLIC BUILDINGS within this Island.

WHEREAS it is essential to the Dignity of His Majesty's Government in this Island, that Provision be made for the Erection of a suitable Residence for His Majesty's Representative—and it is highly necessary to provide a Building for an Academy in Charlotte-Town: And whereas it is also necessary to provide for erecting Gaols in the different Counties, and other Public Buildings within this Colony:

And whereas the usual method of raising Money for Public Buildings in His Majesty's Colonies is by an Assessment on Real Estate, it appears both expedient and least burdensome that the same should be raised by an Assessment on Land within this Colony:

Rates of Assessment.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be paid annually, during the continuance of this Act, into the hands of the Treasurer of this Island, the sum of *Two Shillings* lawful money

thereof for every Hundred Acres of Land contained in the several Townships thereof, and in the several Islands belonging thereto: And the sum of *Two Shillings* for every Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Town and Royalty of Charlotte-Town; and the sum of *One Shilling* and *Four Pence* for every Town Lot, Pasture Lot, Common Lot and Water Lot, in the Towns and Royalties of Georgetown and Princetown—the said several sums of Money to be paid as aforesaid by the several and respective Owners, Proprietors or Occupiers thereof, within *Six Months* after His Majesty's Royal Allowance of this Act shall have been signified.

Treasurer to cause Notices to be published:

II. And be it further enacted, by the authority aforesaid, That the Treasurer of this Island shall, and he is hereby required and directed, within *Twenty Days* after His Majesty's Royal Allowance of this Act shall have been signified, to cause Advertisements in Charlotte-Town, Georgetown and Princetown, to be posted—and also in the Island Newspapers to be published—calling on the respective Owners of Land charged by this Act as aforesaid to pay the sums respectively thereon charged, within the time limited by this Act.

calling on Proprietors for payment:

Treasurer on the last day of the next following Term of the Supreme Court, to make Proclamation of lands in arrear, and cause further Notices to be published.

And the said Treasurer is hereby directed and required, at the next Sitting of His Majesty's Supreme Court of Judicature, after the expiration of *Six Months* as aforesaid, on the last day of the Term, to make Proclamation of all such Lands as shall then be in Arrear for non-payment of the Sums charged thereon by this Act; and immediately thereafter to cause further Notices to be published in Charlotte-Town, Georgetown and Princetown, and in the Island Newspapers, notifying the Owners of the said Lands so in Arrear, that in case the Sums charged on them by this Act shall not be paid within *Ten Days* before the next Term of the Supreme Court of Judicature, Application will be made to the said Supreme Court for Judgment against the said Lands so in Arrear; and the said Supreme Court shall give

If not paid before the next succeeding Term, Supreme Court

to give judgment, and direct a sale of Lands at Public Auction,

Judgment accordingly, and shall order and direct that so much of the several Lands so in Arrear as shall be sufficient to pay the Sum charged by this Act, together with reasonable Costs, to be sold at Public Auction to the highest Bidder, and shall thereupon issue a *Fieri Facias*, directed to the Sheriff for that purpose, who, after having given *Thirty Days* previous notice, shall proceed to the said Sale, and shall thereupon execute to the Purchaser a Conveyance thereof, which shall be good and valid in Law, to all intents and purposes whatsoever.

and issue a *Fieri Facias*; Sheriff after having given 30 days notice, to proceed to sale, and execute a conveyance to purchaser.

III. Provided always, and be it further enacted, That in case of any Lands being sold under the Authority of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Owners, Proprietor or Proprietors, his, her, or their Heirs or Assigns, for the space of *Two Years* next after the levying of the *Fieri Facias* thereon—the former Owner or Owners, Proprietor or Proprietors, his, her or their Agents, Heirs or Assigns, repaying the Purchase Money, with lawful Interest thereon; and also all Expenses attending the same, and a fair Allowance for such Improvements as shall or may be made thereon—the same, in case of a Dispute, to be ascertained by the Supreme Court.

Equity of Redemption for 2 years allowed the original Owners.

IV. And be it further enacted, by the authority aforesaid, That there shall be granted unto His Majesty, His Heirs and Successors, for the purpose of defraying the Expenses of erecting a suitable Residence for His Majesty's Representative in this Island—and also for erecting a Building for an Academy in Charlotte-Town, the sum of *One Thousand Pounds* annually during the Continuance of this Act: And the Overplus of such Monies as may be raised under and by virtue of this Act shall be applied for the purpose of erecting Gaols in the several Counties, and towards finishing such other Public Buildings within this Island as the Legislature of this Colony may deem necessary.

Grants to His Majesty, for the erection of a Government House,

and for the building of an Academy in Charlotte-Town: Any overplus how to be applied.

V. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government of this Island for the time being, and he is hereby empowered, on His Majesty's Royal Allowance of this Act being signified, to nominate and appoint *Five* Commissioners to superintend the building of the Government House and Academy in Charlotte-Town—which Commissioners are hereby authorized to make such Contracts for the purchase of Materials for erecting and finishing such Buildings, and for Workmanship, as they, or the major part of them, shall think proper; and shall without delay procure proper Plans for the said Buildings, together with particular Estimates of the Expense of Materials and Workmanship necessary to complete the same—which, with all Contracts that shall be entered into by them, shall, previous to their being executed, be laid before the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, for his approbation.

Lieutenant Governor to appoint Commissioners to superintend the erection of said Buildings:

Commissioners authorized to make contracts,

and procure plans, and estimates, &c.

Provided always, That the Expense of building the said Government House and Academy shall not in the whole exceed the sum of *Four Thousand Pounds.*

Proviso.

VI. And be it further enacted, That the Lieutenant Governor, or other Administrator of the Government for the time being, shall appoint *three* Commissioners in each County, for superintending the building of Gaols in the different Counties of this Island, with like Power and under the like Regulations as are specified in the foregoing Clause.

Lieutenant Governor, to appoint three Commissioners in each County, for superintending the Building of Jails.

VII. And be it further enacted, That the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the Advice of His Majesty's Council, be, and he is hereby empowered to draw Warrants on the Treasurer, at the Requisition of the said Commissioners, or the major part of them, respectively, for the Sums appropriated by this Act for the said different Buildings, or any part thereof, at such Times and in such Proportions as they may deem necessary.

Lieutenant Governor, to draw Warrants on the Treasurer, at the requisition of Commissioners.

Accounts to be laid before the Assembly.

VIII. And be it further enacted, That a particular Account of the Expenditure of the Monies to be raised and applied by virtue of this Act shall be laid before the Assembly at the then next Session.

Treasurer to keep an account of monies raised by this Act:

Allowance to Treasurer.

IX. And be it further enacted, That the Treasurer shall keep a specific and separate Account of all Monies raised by virtue of this Act, and shall be allowed at and after the rate of *Five Pounds* per centum for receiving and paying the same, and for the other Duties hereby enjoined.

Treasurer to grant Receipts to persons paying their Assessments.

X. And be it enacted, That the said Treasurer shall, and he is hereby required, upon receiving any sum or sums of Money under and by virtue of this Act, to grant a Receipt for the same, specifying therein the Name of the Person paying the same, and the Quantity of Land for which and on what Township the same has been paid—or if situated in any of the Royalties, specifying the Number of the Lot, and whether a Town, Common, Pasture or Water Lot.

Continuance of Act.

XI. And be it further enacted, That this Act shall continue and be in force for and during the space of *Five Years*, from the time that His Majesty's Royal Allowance thereof shall be published, and from thence to the end of the then next Session of the General Assembly, and no longer.

XII. And whereas this Act has been passed in the confident Expectation that His Majesty, taking into consideration the very depressed state of this Colony, and the small Advancement heretofore made in its improvement, will be graciously pleased to forego His claim to the Quit Rents during the Continuance of this Act.

Act not to go into operation, unless His Majesty shall relinquish His claim to Quit Rents during its continuance.

Be it therefore enacted, That the Operation of this Act shall be suspended, and it shall be of no force or effect, until it shall be ascertained that His Majesty shall have been pleased to relinquish all claim to the said Quit Rents during the Continuance of this Act.

Provided always, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

Suspending clause.

His Majesty's Allowance of this Act was published on the 21st August, 1832.

CAP. XVIII.

An Act for granting Licenses to Tavern or Innkeepers and Storekeepers, and for regulating Persons Licensed—and to suspend the Operation of the Acts therein mentioned.

Repealed by 3d W. 4, c. 33.

CAP. XIX.

An Act to amend an Act made and passed in the Tenth year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Eighth year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second year of His late Majesty, intituled An Act for raising a* Fund *to make and keep in* Repair *the* Pumps, Wells *and* Streets *of Charlotte-Town, and for other purposes therein mentioned.*

This Act having been passed for a temporary purpose, is not printed.

CAP. XX.

An Act for increasing the Revenue, by levying a Duty on Molasses and Sugar.

This Act disallowed by His Majesty.

CAP. XXI.

Expired.

An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors.

CAP. XXII.

Executed.

An Act for Appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One Thousand Eight Hundred and Thirty.

Anno Primo Regis Guilielmi IV.

1831.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, the Third day of February, Anno Domini One Thousand Eight Hundred and Thirty-one, and in the First Year of the Reign of our Sovereign Lord WILLIAM the FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; being the First Session of the Thirteenth General Assembly convened in the said Island.

JOHN READY, Lt. Governor.

E. J. JARVIS, President of Council.

WM. M'NEIL, Speaker.

CAP. I.

An Act to repeal an Act made and passed in the Tenth Year of the Reign of the late King George the Fourth, intituled *An Act for the Appointment of Limits and Rules for the Jail of Charlotte-Town*—and to make other Provisions in lieu thereof.

Act, 10 G. 4, c. 2, repealed.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the said Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for the Appointment of Limits and Rules for the Jail of Charlotte-Town," be, and the same is hereby repealed.

Sheriff to permit Prisoners confined for debt (except those in custody under Small Debt Acts) to go at large within certain Boundaries.

On Bond being given, in double the amount of the debt.

Fee to Sheriff for making Bond.

II. And be it further enacted, That when any Person shall be in custody, or confined in the said Jail, either on Mesne Process or Execution, except under any Law for the Recovery of Small Debts, the Sheriff in whose Custody such Prisoner may be is hereby authorized and empowered to permit such Prisoner to go about and have his Liberty within the Boundaries of Charlotte-Town, including the Wharves and Water Lots, upon a Bond being given to the Sheriff, by the name of his Office, by such Prisoner, with two or more sufficient Sureties, in double the amount of the Sum for which such Prisoner shall be in confinement, with a Condition thereunder to be written as hereinafter mentioned; and the Sheriff shall be entitled to demand and receive for making such Bond Five Shillings, and no more; and such Bond shall be in the Form following, that is to say:

'KNOW all men by these presents, that We 'A. B. C. D., and E. F. are held and firmly bound 'to Esq. Sheriff of Prince Edward Island, 'in the Sum of lawful money of the said 'Island, to be paid to the said Sheriff or to his

'certain Attorney, his Executors, Administrators 'or Assigns—for which payment to be well and 'truly made we bind ourselves, and each of us by 'himself, for and in the whole, our and each and 'every of our Heirs, Executors and Administra- 'tors firmly, by these presents: Sealed with our 'Seals, and dated this day of

Form of Bond.

'Whereas the above named Sheriff as 'aforesaid, hath given Permission to the above 'bounden a Prisoner in custody, or confined 'in the Jail of the said Island, to go about and 'have his Liberty within the Boundaries of Char- 'lotte-Town:

'Now, the Condition of this Obligation is such, 'that if the said shall not go or be at large 'out of the Boundaries of Charlotte-Town, or es- 'cape at any time while he has the Liberty of the 'same as aforesaid, then this Obligation shall be 'void, otherwise the same shall remain in full 'force and virtue.

'Sealed and delivered in presence of } A. B. C. D. E. F.

Which said Bond, the Sheriff or his Deputy, or the Executors or Administrators of the Sheriff, at the request of the Plaintiff in such Action, or his Attorney, shall assign to the said Plaintiff in such Action, by endorsing the same, under his Hand and Seal, in the presence of two or more credible Witnesses; and if the said Bond shall happen to be forfeited, the Plaintiff in such Action, after such Assignment made, may bring an Action and sue therefor in his own name; and the Court where the Action shall be brought may, by Rule or Rules of the same Court, give such Relief to the Plaintiff and Defendant in the original Action, and to the Sureties in the said Bond, as shall be agreeable to Justice and Equity, and such Rules shall have the effect of a Defeasance to such Bond.

Sheriff, &c. on request, to assign such Bond to the Plaintiff.

If Bond be forfeited, Plaintiff may bring action thereon.

Court may give relief to Parties, agreeable to Justice and Equity.

Provided, that in all Cases, the Sureties entering into such Bonds shall justify on Oath before

Sureties to justify on oath.

one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or a Commissioner for taking Special Bail in that Court, in the Amount of the Penalty of the Bond; and notice in writing that the Sureties intend to justify, shall be given by the Prisoner to the Plaintiff, his Attorney or Agent, at least Fourteen Days before the time of Justification, in which notice shall be expressed the Names and Place or Places of Residence of the Sureties, and the Time and Place of Justification.

Notice to be given to the Plaintiff 14 days before justification.

Provided also, that after such Bond shall have been duly executed, and before the Sureties therein shall have justified, the Sheriff may immediately set any such Prisoner at liberty; but the Sheriff shall nevertheless be liable for any breach of the Bond which may happen until the Sureties shall duly justify as aforesaid. And if the Assignment of the said Bond shall not be demanded by the Plaintiff or Plaintiff's in any Action as aforesaid, at the time of such Sheriff going out of Office, or at any other time as prescribed by this Act, then it shall and may be lawful for the said Sheriff, and he is hereby directed, on his going out of Office, to cause the said Bond to be assigned to the Plaintiff, and filed in the Office of the Prothronotary of His Majesty's Supreme Court; and he is hereby authorized to demand from the Defendant and Sureties in any such Action, in addition to the sum of Five Shillings as aforesaid, the amount of the Prothonotary's charge for filing and entering such Bond.

Sheriff may allow the Prisoner to be at large before the Sureties justify, But to be liable for any breach of Bond before justification. If assignment of Bond be not demanded, Sheriff, on going out of office, to assign the same to the Plaintiff, and file it in the office of the Prothonotary.

III. And be it further enacted, That no Sheriff shall be liable to any Action of Escape, or other Suit or Information for or on account of any Liberty that may be granted to any confined Debtor, under the Provisions and according to the true intent and meaning of this Act. And in case the Sheriff should be sued for any thing done by him in pursuance of this Act, he may plead the General Issue, and give this Act, and the special

Sheriff not liable to any action of escape on account of liberty granted to any Debtor, by virtue of this Act:

May plead the general Issue.

matter necessary to his defence, in Evidence under that Plea.

IV. And be it further enacted, That the Sureties in any such Bond as aforesaid, or either of them, shall be, at any time before the same shall be forfeited, permitted to surrender the Defendant or Defendants for whom they are Sureties, into the custody of the Sheriff, in like manner as Special Bail are now by Law allowed to do; and after such Surrender made, and notice thereof given to the Plaintiff or Plaintiffs, or his, her, or their Attorney, with a Certificate of the Sheriff or Jailor that the Defendant or Defendants is or are in his custody, pursuant to such Surrender, the Sureties in the Bond shall be entitled to have the same delivered up, on request, to be cancelled.

Sureties may surrender their Principal in the same manner as Special Bail are allowed to do;

And entitled to have their Bond delivered up to be cancelled.

V. And be it further enacted, That the Act passed in the Twenty-sixth Year of the reign of King George the Third, intituled "An Act for the Relief of Insolvent Debtors," shall not, so far as the same may relate to the allowance of Bread to be granted by virtue of that Act, extend, or be construed to extend, to any Debtor or Debtors who shall have obtained the Benefit of the Limits under and by virtue of this Act.

Prisoners on the Limits, not entitled to Debtors' allowance of Bread.

Provided always, that it shall and may be lawful for the Court from whence Process issued, or any Two of the Justices thereof, on Application made by any Prisoner who shall have so obtained the Benefit of the Limits, the whole amount of whose Debts shall not exceed One Hundred Pounds, and who shall have complied with the several Provisions of the said Act for the Relief of Insolvent Debtors, to order the detaining Creditor or Creditors to furnish and give to the Prisoner so within the Limits, the same Allowance of Bread, and in the same way and manner, and subject to the same Rules and Regulations, as are prescribed in and by the said Act, on the said Court, or the said Two Justices, being satisfied that the said Prisoner so within such Limits is utterly unable to provide or procure his necessary support.

Exceptions.

Continuance of Act.

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

CAP. II.

Repealed by 3 W. 4, c. 1.

An Act for the further Regulation of Statute Labour, and to amend and continue two certain Acts therein mentioned.

CAP. III.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors.*

CAP. IV.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue an Act imposing a Duty of Impost on Tobacco and Tea.*

CAP. V.

An Act to repeal an Act intituled *An Act for the Preservation of Sheep within the Royalty of Charlotte-Town, by imposing a Tax on Dogs.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Ninth Year of the

Reign of His late Majesty, intituled, "An Act for continuing several Laws, near expiring," as relates to an Act made and passed in the Fifth year of His late Majesty's Reign, intituled "An Act for the Preservation of Sheep within the Royalty of Charlotte-Town, by imposing a Tax on Dogs," and every clause, matter and thing therein contained, be, and the same are hereby repealed.

9 G. 4, c. 2.

5 G. 4, c. 21.

CAP. VI.

An Act to amend an Act made and passed in the Fifth Year of His late Majesty's Reign, intituled *An Act to provide a Remedy for Injuries arising from improper Burning of Woods.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Fine directed to be imposed in and by the said Act, intituled "An Act to provide a Remedy for Injuries arising from improper Burning of Woods," shall be recovered, with Costs, before any one of His Majesty's Justices of the Peace, and shall be paid into His Majesty's Treasury of this Island, for the Repairs of Roads and Bridges—the same to be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders: And if no Goods and Chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the Offender or Offenders to the Jail of Charlotte-Town, for a period not exceeding *Two Months.*

Mode of recovery of Fine imposed by 5 G. 4, c. 16.

Application.

If no Goods and Chattels can be found, Justice may commit offender to Jail.

Provided, That all Offences committed against the provisions of this Act shall be prosecuted within *Six Months* after the time the Offence shall have been committed, and not afterwards.

Offences to be prosecuted within 6 months after Commission.

CAP. VII.

An Act to continue an Act intituled *An Act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town*—and an Act intituled *An Act to regulate the Driving Carts, Carriages, Sleighs and Carioles on the Highways.*

The first recited Act hath expired; the second hath been further continued by 3 W. 4, c. 5.

CAP. VIII.

Temporary.

An Act to authorize the Appointment of Commissioners for erecting certain Public Works therein mentioned.

CAP. IX.

An Act to authorize Justices of the Peace to enforce the Attendance of Witnesses, in certain cases.

WHEREAS it is deemed expedient to the furtherance of Justice, that authority be given to Justices of the Peace to enforce the Attendance of Witnesses in all cases where they shall be considered necessary, and where the same may not be provided for by Statute:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That upon complaint being made before any Justice or Justices of the Peace of any Offence committed against the provisions of any Act or Acts of the General Assembly now in force, or which may hereafter be in force, in this Island, and which may be cognizable before the said Justice or Justices, it shall and may be lawful for the said Justice or Justices to issue his or their Summons or Subpœna, requiring the Attendance of such Witness or Witnesses whose Evidence may be deemed necessary in the

Justices of the Peace may, on complaint of any offence cognizable before them, Summon Witnesses whose evidence is necessary;

premises; and in case any Person or Persons, who shall have been duly served with a Summons or Subpoena as aforesaid, requiring him, her, or them, at a certain time and place therein mentioned, to give Evidence as aforesaid, and such Person or Persons neglecting or refusing to appear, as therein required, and no cause of absence having been shewn to the satisfaction of the said Justice or Justices—or, when appearing, shall refuse to be sworn and give Evidence; an Oath having been made by the Party or Parties, at whose instance, or on whose behalf, such Summons or Subpœna issued, that he, she, or they, hath or have reason to believe that the Person or Persons served therewith was or were a material Witness or Witnesses for the Party or Parties, then it shall be lawful for such Justice or Justices to impose a Fine on such delinquent Party, not exceeding *Fifty Shillings*, nor less than *Five Shillings*, together with Costs, which Fine shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government; and in default of payment thereof, when directed by the said Justice or Justices, the same to be recovered by Warrant of Distress, and Sale of the Offender's Goods and Chattels; and in case no Goods and Chattels shall be found, then the said Justice or Justices shall commit the said Offender or Offenders to the Jail of Charlotte-Town for a time not exceeding *One Calendar Month.*

and if they neglect or refuse to attend;

Or when appearing refuse to give evidence;

may impose a Fine not exceeding 2*l.* 10s. nor less than 5s. besides costs.

Application.

Mode of recovery.

II. And be it enacted, That it shall and may be lawful for such Justice or Justices to award and order such Costs to the said Witness or Witnesses for his, her, or their Attendance as are now by Law allowed to Witnesses.

Justices may award to Witnesses their expenses.

CAP. X.

An Act to prevent the running at large of Rams at Improper Seasons, and to Regulate the Appointment of Sheep Reeves, and to suspend two certain Acts therein mentioned.

Act of the 31st year of the reign of King George III. to prevent the running at large of Rams at improper Seasons; and an Act of the 43d year of the same King, in amendment thereof; Suspended during the continuance of this Act.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-first year of the Reign of His Majesty King George the Third, intituled 'An Act to prevent the running at large of Rams 'at improper Seasons,' and an Act, made and 'passed in the Forty-third year of His Majesty 'King George the Third, intituled an Act to 'amend an Act made and passed in the Thirty-'first year of His present Majesty's reign, intituled 'an Act to prevent the running at large of Rams 'at improper Seasons,' be, and the same are hereby suspended during the continuance of this Act.

Preamble.

II. And whereas the rearing of Sheep, and improving the breed thereof, is of great importance to the Colony—

Commissioners of Highways, on or before the first of July yearly to appoint Sheep Reeves for the several Settlements, within their Districts, who are required to take up any Ram found beyond the enclosures of the Owner between the 15th day of August and the 25th day of December, in each year, on receiving information thereof;

Be it therefore enacted, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways for the time being, in their respective Districts, and they are hereby required and directed to nominate and appoint yearly, on or before the first day of July, as many fit and proper persons as they may conceive necessary, to act as Sheep Reeves in the several Settlements for which they are appointed; and whose duty it shall be to take up and seize any Ram or Rams going at large beyond the enclosures of the Owner or Owners' farm or farms within such Settlement or District, between the Fifteenth day of August and the Twenty-fifth day of December in each year; and on receiving information of any Ram or Rams being at large as aforesaid, and on the same being shown to the Sheep Reeve of such Settlement or District, shall

seize and take, or cause to be seized and taken, any such Ram or Rams going at large; and the said Sheep Reeve is hereby authorized to call on such of the Inhabitants of such Settlement or District as he may deem necessary to assist him to effect the same.

and are authorized to call on any Inhabitant of the District to assist.

III. And be it enacted, That if any such Sheep Reeve, so appointed, shall refuse to serve when appointed, or neglect or refuse to perform the Duties required of him by this Act, immediately on receiving the information as aforesaid, he shall forfeit and pay to His Majesty, for each and every refusal or neglect, the sum of *Forty Shillings;* And each and every Person refusing or neglecting to assist in seizing and taking any Ram or Rams at large as aforesaid, within the District or Settlement where such Person may reside, when requested by the Sheep Reeve of such District or Settlement, shall, for each neglect or refusal, forfeit and pay to the said Sheep Reeve the sum of *Five Shillings.*

Sheep Reeve refusing or neglecting to serve or do his Duty, to forfeit 2*l.*

And Persons refusing to assist him when called on, to forfeit 5*s.*

IV. And be it further enacted, That for every Ram so found at large, as aforesaid, the Owner or Owners shall forfeit and pay to the Sheep Reeve of such Settlement or District the sum of *Fifteen Shillings;* And if no Owner can be found to claim such Ram or Rams so found at large as aforesaid, within *Three Days* after the seizure thereof, it shall and may be lawful for the said Sheep Reeve to sell, or cause to be sold, by Public Auction, (at least *Three Days'* notice of such Auction having been previously given, by posting written notices at two of the most public places in such Settlement or District wherein such Ram or Rams was or were taken,) and the proceeds of such Sale shall be paid as a recompense to the Sheep Reeve for his trouble.

Owner of any Ram at large, contrary to this Act, to pay to Sheep Reeve 15*s.*;

And if no Owner is to be found, Sheep Reeve to sell the same at Public Auction, first giving three days notice of Sale.

V. And be it enacted, That if any Person or Persons shall obstruct any of the Sheep Reeves in the Execution of their Duty, such Person or Persons shall severally forfeit and pay to the Sheep Reeve so obstructed a Fine not exceeding *Twenty Shil-*

Persons obstructing Sheep Reeve in execution of his Duty, liable to a fine of not more

than 1l.; nor less than 10s.

lings, nor less than *Ten Shillings*, to be recovered as is hereinafter directed.

No person liable to serve as Sheep Reeve oftner than once in three years.

VI. And be it further enacted, that no Person shall be compelled to serve as a Sheep Reeve, under and by virtue of this Act oftner than once in *Three Years*.

All fines under this Act to be sued for within thirty days after offence committed.

VII. And be it further enacted, by the authority aforesaid, That all Fines and Forfeitures arising under and by virtue of this Act shall be sued for within *Thirty Days* after the commission of the offence for which the same shall have been incurred, and be recovered before any one of His Majesty's Justices of the Peace within the County where such offence shall have been committed; and the same shall be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and if no Goods and Chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the Offender or Offenders to the Jail of Charlotte-Town, for a period not exceeding *One Month*.

Mode of recovery of fines.

Act to be in force for three years, and from thence to the end of the then next Session of the General Assembly.

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

CAP. XI.

Repealed by 2 W. 4, c. 1.

An Act for the Recovery of Small Debts, and to continue and amend the several Acts therein mentioned.

CAP. XII.

Expired.

An Act to alter an Act made and passed in the Tenth Year of the late King, for Regulating the Size of Barrels and the inspection of pickled Fish.

CAP. XIII.

An Act to discourage Litigation, by regulating the Set-off of Mutual Debts in Actions at Law.

WHEREAS a Provision for setting Mutual Debts one against the other in Actions at Law is highly just and reasonable at all times, and tends to prevent the Multiplicity of Law Suits:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That where there are Mutual Debts between the Plaintiff and Defendant in any Court of Record in this Island, or if either Party sue or be sued as Executor or Administrator where there are Mutual Debts between the Testator or Intestate and either Party, one Debt may be set against the other, and such matter may be given in Evidence upon the general Issue, so as at the time of his pleading the general Issue when any such Debt due from the Plaintiff, his Testator or Intestate, is intended to be insisted on in Evidence by the Defendant, Notice shall be given of the particular Sum or Debt so intended to be insisted on and upon what occasion it became due, or otherwise such matter shall not be allowed in Evidence.

Mutual Debts may be set-off in any Court of Record

and may be given in evidence,

provided particulars of the sum, &c. intended to be insisted on, be first delivered.

II. And be it further enacted, That by virtue of this Act Mutual Debts may be set against each other as well in Replevin for Rent as in other Actions, notwithstanding that such Debts may be deemed in Law to be of a different nature: and in case any Debt shall have accrued by reason of a Penalty contained in any Bond or Specialty, the Declaration of the Plaintiff, and notice of Set-off from the Defendant, shall respectively show how much is claimed to be justly and truly due on either side; and Judgment shall be entered for either the Plaintiff or Defendant for no more than shall appear to be justly due after one Debt being set against the other as aforesaid: And if, upon the Trial of any Issue, the Plaintiff shall become nonsuit, or the Jury shall not assess Damages to the

In Replevin for Rent as well as in other Actions, mutual Debts may be set-off; and in Actions on Bond or Specialty, the Plaintiff's declaration and Defendant's set-off to state the sum claimed.

If Plaintiff become nonsuit, or the Jury shall not assess to him damages

above Defendant's set-off,

Costs may be taxed for the Defendant;

and if the Plaintiff be overpaid, the Jury may find a Verdict for the Defendant, and he shall have Execution therefor with Costs.

Plaintiff over and above the Sum proved at such Trial on behalf of the Defendant, and of which notice of Set-off shall have been given as aforesaid, then the Plaintiff shall pay to the Defendant Costs, to be taxed; and if upon such Trial it shall appear to the Jury that the Plaintiff has been overpaid, then they shall not only find a Verdict for the Defendant, but shall also therewith certify in writing to the Court how much they find the Plaintiff to be indebted to the Defendant; and the Sum or Sums so certified shall be recorded with the Verdict, and shall be deemed a Debt of Record, and the Defendant shall have Execution for the Recovery thereof, with Costs of the said Action, any Law, Usage or Custom to the contrary in any wise notwithstanding.

CAP. XIV.

An Act to establish a Reward for the Destruction of Bears and Loupcerviers.

15s. Reward for killing a Bear;

And 5s. for a Loupcervier.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That a Reward of *Fifteen Shillings* shall be given to each and every person who shall bring to the Treasurer of this Island the Snout of any Bear killed within the same, after passing of this Act, with a Certificate from the nearest Justice of the Peace, who is hereby required to grant the same, that such Bear had been actually so killed, on the Person so applying making Oath before the said Justice to that effect. And that the sum of *Five Shillings* shall be paid to any Person or Persons who shall bring to the said Treasurer the Snout of any Loupcervier killed within the said Island, after the passing of this Act, with such Certificate, to be granted on Oath as aforesaid.

Continuance of Act.

II. And be it enacted, That this Act shall continue and be in force for the period of *Five Years* after the passing of the same, and no longer.

CAP. XV.

An Act to authorize a further Issue of Treasury Notes.

See 3 W. 4, c. 13.

WHEREAS it is deemed expedient to make a further Issue of Treasury Notes—

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government for the time being, to order a further Issue of Treasury-Notes, to the Amount of *Three Thousand Pounds*—whereof one Moiety shall be in Notes of the value of *Ten Shillings* each, and the remainder in the following proportions, that is to say—*One Thousand Pounds* thereof shall be in Notes of the value of *One Pound* each, and *Five Hundred Pounds* in Notes of the value of *Five Shillings* each.

A further Issue of Treasury Notes, to the amount of 3000*l.*

II. And be it further enacted, that this further Issue of Treasury Notes, to the amount of *Three Thousand Pounds* as aforesaid, shall be in the Form and subject to the Enactments and Provisions of an Act made and passed in the Sixth Year of His late Majesty's Reign, intituled "An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes'—and an Act made and passed in the same Year, intituled 'An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the Reign of His present Majesty, intituled 'An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes' to issue Notes to the value of *Ten Shillings* each."

Issue of Notes under this Act, to be subject to the provisions of 5 G. 4, c. 18, and

6 G. 4, c. 12.

III. And be it enacted, That the Commissioners named and appointed by virtue of the Act first above mentioned, shall be paid at and after the rate of *One-half per centum* each, as a remuneration for their trouble in issuing Treasury Notes, from and after the passing of this Act.

Compensation to Commissioners for signing and issuing Notes.

IV. And whereas no Provision hath been made by any former Act authorizing the Issue of Treasury Notes, for the Punishment of Persons who may be found guilty of stealing such Notes—

Stealing Treasury Notes made Felony.

Be it therefore enacted, That any Person or Persons who shall hereafter be found guilty of feloniously stealing any Treasury Note or Notes heretofore issued, or which shall be hereafter issued, under and by virtue of any Law of this Island, shall be liable to such Punishment for the Offence as he, she or they would by Law be liable to in case such Person or Persons had been found guilty of feloniously stealing the same amount in any Coin which may be current within this Island at the time of committing such Felony.

Continuance of Act.

V. And be it enacted, That this Act shall be and continue in force *Four Years* from the passing thereof, and no longer.

CAP. XVI.

Repealed by 3 W. 4, c. 33.

An Act to amend an Act made and passed in the Eleventh Year of His late Majesty's Reign, intituled *An Act for granting Licenses to Tavern or Innkeepers and Storekeepers, and for regulating Persons Licensed, and to suspend the Operation of the Acts therein mentioned*—and to suspend part of an Act passed in the Thirty-fifth Year of the Reign of King George the Third, intituled *An Act for regulating Servants.*

CAP. XVII.

An Act to amend an Act made and passed in the Tenth Year of the Reign of His late Majesty, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of His late Majesty, intituled An Act for raising a Fund to Make and Keep in Repair the Pumps, Wells and Streets of Charlotte-Town—and for other Purposes therein mentioned.*

The above recited Act authorizing the Inhabitants to meet oftener than once a year, and add to the rate, hath been repealed and re-enacted by 3 W. 4, c. 37.

CAP. XVIII.

An Act for Appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Eight Hundred and Thirty-one. **Executed.**

Anno Secundo Regis Guilielmi IV.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, the Third Day of February, Anno Domini One Thousand Eight Hundred and Thirty-one, and in the First Year of the Reign of our Sovereign Lord WILLIAM the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith; and from thence continued, by several Prorogations, unto the Third Day of January, One Thousand Eight Hundred and Thirty-two, and in the Second Year of His said Majesty's Reign, being the Second Session of the Thirteenth General Assembly convened in the said Island.

1832.

A. W. Young, Lt. Governor.

E. J. Jarvis, President of Council.

Wm. M'Neil, Speaker.

CAP. I.

An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts.

WHEREAS it is expedient to consolidate and amend the several Acts of the General Assembly relating to the Recovery of Small Debts:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled 'An Act for the more easy and speedy 'Recovery of Small Debts;' and an Act made and passed in the Sixteenth Year of the Reign of His late Majesty King George the Third, intituled 'An Act in addition to and amendment of an Act 'made and passed in the Thirteenth Year of His 'present Majesty's Reign, intituled An Act for the 'more easy and speedy Recovery of Small Debts;' and an Act made and passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act in further 'addition to and amendment of an Act made and 'passed in the Thirteenth Year of His present 'Majesty's Reign, intituled an Act for the more 'easy and speedy Recovery of Small Debts;' and the second Clause of an Act made and passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act 'for regulating the Fees of Magistrates and Con-'stables in certain cases; and for amending an 'Act made and passed in the Sixteenth Year of 'His Majesty's Reign, intituled An Act in addi-'tion to and amendment of an Act made and passed 'in the Thirteenth Year of His present Majesty's 'Reign, intituled An Act for the more easy and 'speedy Recovery of Small Debts;' and an Act made and passed in the Eleventh Year of the Reign of His late Majesty King George the

Acts Repealed 13 G. 3, c. 11.

16 G. 3, c. 2.

41 G. 3, c. 6.

31 G. 3, c. 5. (2d clause.)

11 G. 4, c. 4.

Fourth, intituled 'An Act to explain certain parts 'of an Act made and passed in the Twenty-sixth 'Year of the Reign of His late Majesty, intituled 'An Act for the Relief of Insolvent Debtors;' and an Act made and passed in the First Year of His present Majesty's Reign, intituled 'An Act for 'the Recovery of Small Debts, and to continue 'and amend the several Acts therein mentioned'—be, and the same are, hereby respectively repealed.

1 W. 4, c. 11.

II. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint so many Persons as shall appear necessary and expedient, to be Commissioners for the Recovery of Small Debts within this Island; each Commissioner, when appointed, to have power and authority to act only within the County for which he shall be appointed, except in the cases as hereinafter mentioned.

Lt. Governor may nominate Commissioners for the recovery of Small Debt, to act within the Counties for which they are appointed.

III. And be it further enacted, That all and every Person or Persons who now have, or hereafter shall have, any Debt or Debts owing unto him, her, or them, not exceeding *Five Pounds*, shall or may cause the Debtor or Debtors to be proceeded against for the Recovery of such Debt or Debts before one or more such Commissioners as hereinafter mentioned, in the County for which such Commissioner or Commissioners shall be appointed, being also the County in which such Debtor or Debtors respectively shall reside or may be found—that is to say, when the Debt shall not exceed *Forty Shillings*, before one Commissioner; and when the Debt shall be above that Sum, and not exceeding *Five Pounds*, before two Commissioners; and that the ordinary Process against such Debtor or Debtors shall be by Summons, under the Hand and Seal of such Commissioner or Commissioners, or one of them, directed to the said Debtor or Debtors, and which Sum-

Creditors may sue for any Debt not exceeding 5l.

Method of proceeding before Commissioners.

mons shall be served by any Constable of the County where such Debtor or Debtors shall reside or may be found; which Summons shall be in the form prescribed in the Schedule A, annexed to this Act, and shall be served Six Days at least before the time of Trial; and such Service shall be by delivering the same to the Debtor or Debtors in person, or to the Wife, Child, or other Person belonging to such Debtor or Debtors, at his, her, or their known place of abode; provided such Child, or other Person, be Sixteen Years old or upwards, and at the time of delivering the said Summons the Person so delivering the same shall inform him, her, or them, to whom the same shall be delivered, of the meaning or purport thereof; and if such Debtor or Debtors be an Inmate, or Inmates, the Service of such Summons shall be valid, by delivering it to any Person or Persons of discretion as aforesaid at the House or Place where such Debtor or Debtors so lodge or reside, and at the same time telling him, her, or them the meaning or purport thereof.

Manner of serving Summons.

IV. And be it further enacted, That in all matters of Debt as aforesaid, such Commissioner or Commissioners shall only sit and decide on the first or second Monday, the first or second Tuesday, the first or second Wednesday, or the first or second Thursday, in each and every Month, and for as many Days thereafter, by Adjournment, as may be necessary (except in the cases hereinafter excepted), to judge and finally determine the Actions brought before him or them. And the said Commissioners in the several Districts of the same County shall have different Days for holding their Courts, to be fixed upon by mutual Agreement among themselves.

Days on which Commissioners are to decide cases.

Commissioners in the several Districts of same County to have different days.

V. And be it further enacted, That in case any Person or Persons residing in this Island shall be duly served with a Subpœna issued by any such Commissioner or Commissioners, requiring him, her or them, at a certain time and place therein mentioned, to give Evidence on behalf of any

Witnesses duly served with Subpœna refusing or neglecting to appear and give Evidence.

Plaintiff or Defendant, and at the same time being informed that his, her or their Expenses and loss of time shall be duly satisfied, agreeable to the Order of the Commissioner or Commissioners so issuing such Subpœna, and such Person or Persons neglecting or refusing to appear as therein required, and due Proof having been made of the Service thereof, and of the Truth of such Information, and no cause of absence having been shewn to the satisfaction of the said Commissioner or Commissioners, and Oath having been made before him or them, by the Party or Parties at whose Instance or on whose Behalf such Subpœna issued, that the Person or Persons served therewith, was or were a material Witness or Witnesses for the Party or Parties; and it being also proved to the satisfaction of the Commissioner or Commissioners that Damage had been sustained from the non-attendance of such Witness or Witnesses, that then it shall and may be lawful for such Commissioner or Commissioners to give Judgment against such Delinquent Party for the amount of Damages so sustained, not exceeding *Forty Shillings*, or *Five Pounds*, as the case may be, together with Costs; to be levied by Distress and Sale, as is hereinafter directed in cases of Execution, and to be imprisoned for want of sufficient Chattels as in similar cases under Execution; ordering at the same time the Overplus (if any) to be paid to such delinquent Party (the Charges of such Distress and Sale being first deducted); the amount of which Judgment when paid or levied shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpœna issued, and which Subpœna shall be in the form marked B, in the Schedule to this Act annexed.

Commissioner or Commissioners, on proof of damage sustained, to give judgment against Delinquent Witness for such amount proved with costs.

Mode of recovery.

Application.

VI. And be it further enacted, That if upon the Day of the Return of such Summons, the Plaintiff or Plaintiffs shall not appear, without some just cause, to be allowed by such Commissioner or Commissioners, or upon appearing, shall

Plaintiff, not appearing, or being nonsuit,

not make proof of his, her or their Demand, to the satisfaction of such Commissioner or Commissioners before whom the hearing of such Summons shall be, but become non-suit, it shall and may be lawful to and for such Commissioner or Commissioners to award to such Defendant or Defendants, and his or their Witnesses, Costs and travelling Expenses as allowed by this Act, and issue Execution against such Plaintiff or Plaintiffs for the Recovery of the same, in manner as hereinafter prescribed by this Act.

Commissioners to award costs and travelling expenses to Defendant.

Mode of recovery thereof.

Provided nevertheless, that in all cases of adjourned hearings, where Judgment shall be ultimately given against the Plaintiff or Plaintiffs on the hearing, the Defendant or Defendants shall be entitled to receive Costs for travelling and each attendance, if more than once, which shall be the same as are by this Act allowed to Witnesses.

In adjourned hearings, where judgment is given against Plaintiff, the Defendant is to be allowed Costs, &c. for each attendance.

VII. And be it further enacted, That if such Debtor or Debtors, who shall have been duly summoned as aforesaid, do not appear before such Commissioner or Commissioners at the time and place required in and by the said Summons, without some just cause, to be allowed by such Commissioner or Commissioners, and the Plaintiff or Plaintiffs in such Summons shall duly appear, then it shall and may be lawful to and for the Commissioner or Commissioners, after due proof made as aforesaid of the Service of the said Summons in manner aforesaid, to hear the Cause on the part of the Plaintiff or Plaintiffs only, and to make such Order or Judgment, exclusive of Costs, as to him or them shall seem most agreeable to Law, Equity, and Good Conscience; and also to order and oblige the Defendant or Defendants to pay the same by such ways and means as are hereinafter provided and directed.

Debtor not appearing on summons,

Commissioner, after proof of service, may hear the cause on the part of the Plaintiff, and pass Judgment thereon.

VIII. And be it further enacted, That for the better discovery of the truth, and for the more solemn determination of all Matters and Causes which shall or may be depending before such Commissioner or Commissioners, it shall and may

be lawful for him or them, and he or they are hereby empowered, upon the appearance of the Parties before him or them, to administer, or cause to be administered, an Oath to either of the said Parties touching the matter then in question, as also to such Witness or Witnesses as shall or may be produced by either Party, and also to any other Person or Persons whose Evidence shall seem necessary on the hearing to the just determination of such Cause or Causes, or to the making any Order or Judgment therein, or for any other purpose requisite to the Execution of this Act, unless such Commissioner or Commissioners shall, for the better advancement of Justice, deem it proper to defer the hearing of any such Cause, which he or they are hereby authorized to do, until their next sitting.

Commissioner may examine on oath either Plaintiff or Defendant;

As also all Witnesses produced:

And may continue a Case from one sitting to another.

IX. And be it further enacted, That upon every Trial the Defendant or Defendants shall be allowed to set off any Account or Demand (not exceeding *Forty Shillings*, or *Five Pounds*, as the case may be) he, she or they may have against the Debt or Demand of the Plaintiff; and if upon any Trial it shall be found that the Plaintiff is indebted to the Defendant, Judgment shall be rendered in favour of the Defendant for the sum found due, and Execution issue thereon, with Costs.

Defendant allowed to make set off on trial;

And if Plaintiff is found indebted to him, to have Judgment and Execution.

X. And be it further enacted, That when any Defendant is proceeded against under this Act, and shall refuse or neglect to bring forward his or her set off (if any they have) against the Plaintiff at the time of such Trial, he or she shall ever after be precluded from suing for the same; and if any such suit be brought, it shall be a sufficient defence on the trial thereof, that the Demand sued for could have been on a former Trial set off or recovered.

Defendant refusing or neglecting to make set off on trial,

precluded from ever suing for the same;

Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent any Person or Persons from bringing his or their Action or Actions, when it shall be made to appear to the satisfaction of the Commissioner or Commissioners that from some unavoidable cir-

Unless precluded by una-

voidable accident from making his set-off.

cumstance he or they was or were precluded from proving his or their set off upon the former Trial.

Commissioner may grant Debtor time, not exceeding 1 month, for the payment of what shall be decreed against him,

XI. And be it further enacted, That if such Debtor or Debtors against whom any Order or Judgment shall be made or given as aforesaid, shall appear to the Commissioner or Commissioners who shall have made or given the same to be deserving of Indulgence, then and in every such case the said Commissioner or Commissioners is or are hereby empowered to grant such time to the Debtor or Debtors for the payment of the Sum or Sums which shall or may be so ordered or adjudged against him or them respectively as shall seem reasonable, provided the time so granted shall not exceed One Month, to be computed from the time of hearing such complaint or complaints; as also that such Debtor or Debtors so indulged as aforesaid shall, within such reasonable time as the Commissioner or Commissioners may allow, give sufficient Security, by Recognizance, to pay such adjudged Sum or Sums at or within the time limited therefor; which Recognizance shall be in the form prescribed in the Schedule to this Act annexed (marked E); and if the Judgment shall not be satisfied at the expiration of the time so allowed, then the Party entitled to receive the same shall have Execution against the Principal and Sureties in such Recognizance, and their Goods and Chattels, as in other cases after Judgment.

on giving security to pay within the time granted.

In Schedule.

At the expiration of the time, Plaintiff to have Execution against Principal and Sureties.

In the event of the absence of a Commissioner before whom any Summons is returnable,

any other Commissioner may adjudicate thereon.

XII. And be it further enacted, That in the event of the absence, occasioned by resignation or otherwise, of any Commissioner or Comissioners before whom any Summons shall be made returnable upon the Day appointed for the hearing thereof, it shall and may be lawful for any other Commissioner or Commissioners who may then be present, to adjudicate thereon, and his or their Judgment shall be as binding and effectual upon the Party Plaintiff or Defendant as if he or they before whom the said Summons was made returnable had been personally present.

XIII. And be it further enacted, That if any Person or Persons shall find him, her, or themselves aggrieved by any Order or Judgment of the said Commissioner or Commissioners, in any of the cases hereinbefore mentioned, the said Person or Persons shall have liberty to appeal to the then next Sitting of His Majesty's Supreme Court of Judicature.

Right of Appeal to Supreme Court.

Provided always, That such Appeal shall be applied for and duly entered within Two Days next after the said Order or Judgment of such Commissioner or Commissioners; and the said Commissioner or Commissioners, on application therefor, is and are hereby required to enter such Appeal so applied for; but such Commissioner or Commissioners may nevertheless disallow such Appeal, unless the Party applying for the same shall, immediately on being required thereto, enter into Recognizance with sufficient Surety, to abide the Determination or Judgment of the Chief Justice or other Justices of the said Supreme Court—which Recognizance shall be in the Form prescribed in the Schedule to this Act annexed, marked C.

Appeal to be applied for within 2 days after Judgment.

Commissioners to enter Appeal:

Not to allow the same unless security be given by Recognizance.

XIV. And be it further enacted, That before the taking of such Recognizance the said Commissioner or Commissioners before whom the same shall be taken is or are hereby required to repeat distinctly to the Parties thereto the following condition—that is to say:

Commissioners to repeat the condition thereof to the party requiring it.

'You (the two Sureties) do jointly and severally undertake, that if the Appellant be condemned to pay the Appellee what has been ordered or adjudged to be due from the Appellant to the Appellee for damages and costs, that then you shall pay the same, together with costs and condemnation Money, if adjudged by the said Supreme Court of Judicature. This you severally acknowledge.'

Form of condition.

XV. And be it further enacted, That no Person or Persons whomsoever who may be confined in Jail under and by virtue of any Execution or

Persons confined in Jail under this

Act not entitled to the benefit of Insolvent Act of 26 G. 3, c. 2.

other Process issued under this Act shall be entitled to the Benefit of an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for the Relief of Insolvent Debtors."

Party aggrieved, before entitled to appeal, to make an affidavit.

XVI. And be it further enacted, That all and every Person or Persons who shall or may consider himself, herself, or themselves aggrieved by any Judgment or Order given by any Commissioner or Commissioners in any matter or cause arising before them, and shall demand an Appeal from such Order or Judgment, such Appellant shall and he is hereby required to make and subscribe an Affidavit, in manner and form following:

Form of Affidavit.

'Prince Edward Island, }
County. }

'A. B. Plaintiff. }
'C. D. Defendant. } Before

'Esquire, one of the Commissioners appointed 'for the Recovery of Small Debts for the County 'aforesaid, C. D. maketh Oath and saith, that on 'the Day of a Judgment was given 'against this Deponent by the said Commissioner '(or Commissioners, as the case may be) in an 'Action wherein the said A. B. was and this 'Deponent the for the Sum of together with costs of Suit (or of non-suit as the 'case may be), and that this Deponent, considering himself aggrieved by the said Judgment, intends to remove the same by Appeal into His Majesty's Supreme Court, to be held in on the ' Day of , and then and there to cause 'the said Judgment and all Proceedings thereon to 'be examined in due course of Law. And this Deponent further saith, that he does not ask for the 'said Appeal for the purpose of delaying the payment of the said Debt and Costs, but for the purpose of having the case determined on its merits 'in the Supreme Court as aforesaid. Sworn before me this Day of

Commissioner.'

XVII. And be it further enacted, That the said Affidavit shall be made and subscribed in the presence and before the said Commissioner or Commissioners, or one of them, by whom the said Order or Judgment shall or may have been given; and the said Commissioner or Commissioners, or one of them, is or are hereby required to file the said Affidavit, with the Recognizance and other Papers connected with the said Appeal, and make it a part of the proceedings thereof, and forthwith to send the said Papers so executed to the Office of the Prothonotary.

Affidavit to be made before Commissioner by whom Judgment is given;

and to be filed with Recognizance,

and sent to the Prothonotary of the Supreme Court.

XVIII. And be it further enacted, That each and every Commissioner so appointed under and by virtue of this Act shall, and he is hereby required to keep a Book for the sole use and purpose of entering and registering the names of the Parties Plaintiff and Defendant, upon issuing any Summons as hereinbefore directed, as also the several Orders and Judgments that they shall or may make on all Plaints that may come before them in pursuance of this Act: and that each and every Commissioner before whom Recognizance for prosecuting any Appeal as hereinbefore directed shall be entered into, shall return the same into the Clerk's Office of His Majesty's Supreme Court of Judicature, at least Two Days before the Sitting of the Supreme Court, so as that the same may be proceeded upon at the sitting thereof next after the date of such Recognizance; and all such Commissioners as aforesaid neglecting to keep such Book, or to return such Recognizance in due time, shall upon each and every such neglect, forfeit the sum of *Five Pounds* to the Person or Persons who shall be thereby aggrieved—the same to be recovered in His Majesty's Supreme Court of Judicature.

Every Commissioner to keep a book for recording the several plaints.

Commissioner when to return Recognizance for Appeal.

Commissioner neglecting to keep such Book or to make such return to forfeit 5*l*.

XIX. And be it further enacted, That the Chief Justice, or other Justice for the time being, of His Majesty's Supreme Court of Judicature be, and he is hereby empowered and required, upon all Appeals made as aforesaid to the said court, to cause all defects of form that may appear in any original

Order or Judgment of the said Commissioner or Commissioners to be rectified and amended, without costs or Expense to the Parties concerned; and that after such Amendment shall have been made, the said court shall proceed to hear, examine and consider the Truth and Merits of all Matters concerning such Appeals, and the original Orders and Judgments appealed from, and likewise to examine Witnesses upon Oath, and to hear all other Proofs relating thereto, and to make such final Determination thereupon as to the said court shall appear just and reasonable: And if by the consideration of the said court the Original Order or Judgment of the Commissioner or Commissioners shall be affirmed, and the Appeal or Appeals therefrom be dismissed (if against the original Defendant), that then the said court shall adjudge the sum or sums so recovered by the original Plaintiff or Plaintiffs to be paid to him, her, or them respectively, together with the costs allowed by such Commissioner or Commissioners, as also the full costs of defending against the said Appeal or Appeals. And in case the said court shall affirm the Order or Judgment of the Commissioner or Commissioners (if against the original Plaintiff or Plaintiffs), and dismiss his, her, or their Appeal or Appeals, then the sum or sums adjudged to the original Defendant or Defendants by such Commissioner or Commissioners, together with full costs for defending against such Appeal or Appeals, shall be adjudged to him, her, or them respectively, in the said Supreme Court of Judicature: And if the said Chief Justice, or other Justice, upon a full hearing of such Appeal or Appeals, shall set aside the Order or Judgment of such Commissioner or Commissioners, then, upon each and every such Determination, it shall and may be lawful for the said Chief Justice, or other Justice, to adjudge and order costs to the Appellant or Appellants; and upon all final Determinations or Judgments Execution is hereby directed to issue from the said Supreme Court for the sum or sums so recovered: And in case such final

Power and duty of Supreme Court in Appeal cases.

Execution to issue out of Supreme Court upon all Judgments.

Determination or Judgment of the said Supreme Court shall happen to be in favour of the Appellee or Appellees in any such Appeal, then he, she, or they may have Execution against the Appellant or Appellants, or his, her, or their Sureties, or any of them, or any of their Goods and Chattels—provided that Execution shall not in any case issue against the Persons or Property of any such Sureties until the amount of the Judgment and Costs shall have been demanded of them, by some Person duly authorized, at least Twenty-one Days before the issuing of such Execution against them, nor until Affidavit of such Demand having been duly made shall be filed with the Prothonotary of the said Supreme Court; and in case Execution shall issue against any such Sureties, or their Goods or Chattels, the Party at whose Instance the same shall be issued shall be entitled to levy thereunder the same Mileage to give the aforesaid Notice as Constables may by this Act receive, together with *Two Shillings* and *Sixpence* for making and filing the said Affidavit of such Notice having been duly given.

If the decision of Court be in favor of the Appellee; he may have Execution against Appellant or Sureties: Provided demand of payment be first made of Sureties, 21 days; before issue of Execution such demand to be verified by Affidavit.

Rates of mileage to be allowed parties on Execution so issuing. Fee for making and filing Affidavit.

XX. And be it further enacted, That in case there be no such application for an Appeal as aforesaid, or that the Party applying for such Appeal shall not enter into the said Recognizance within the time aforesaid, or make the said Affidavit, or that there be no Indulgence granted as aforesaid, then it shall and may be lawful for any one or more of the Commissioners who gave the Judgment to award Execution against the Goods and Chattels of the Party; and in case there shall not be any Goods and Chattels found, then against the Body of the Party against whom such Judgment shall have been given; which Execution shall be in the Form prescribed in the Schedule to this Act annexed (marked D); and the Constable who shall execute the same shall, and he is hereby authorized and required, after having given at least Six Day's notice, to levy, by Distress and Public Sale of the Goods and Chattels of such Party, the sum of Money

If no Appeal is demanded; or the conditions of granting the same not complied with, or time not allowed for payment of Judgment,

Commissioner may award Execution against Goods and Chattels of party; and if none can be found then against the body.

Duty of Constable.

mentioned in such Writ of Execution, with Poundage and other Costs allowed in such cases by this Act; and for want of sufficient Goods and Chattels whereon to levy the same, then, and in such case only, the said Constable is hereby authorized and empowered to take the Body of such Party, and to carry him, her, or them to the next common Jail or Prison in this Island, there to remain, if for any sum above *Forty Shillings* and not exceeding *Three Pounds*, for the space of *Three Months*, at any time or season of the Year; and if for any sum above *Three Pounds* and not exceeding *Five Pounds*, for the space of *Five Months*, at any time or season of the Year; and after any of which said Imprisonments, he, she or they shall be freed and discharged therefrom, and also from the Debt for which such Imprisonment had taken place.

Executions for recovery of Small Debts issued in one County may be available in another County, if endorsed by a Commissioner.

XXI. And be it further enacted, That it shall and may be lawful for the usual Writ of Execution for the Recovery of Small Debts issued in one county to run into another county where the Debtor may reside, or where his chattels may be found—provided that such Writ of Execution shall be endorsed by a Commissioner duly appointed to judge in matters of Small Debt within the county where such Debtor resides, or where his chattels are to be found; and which Endorsement the said Commissioner is hereby required to make, and which shall be in the following form:

Form of Endorsement.

'You (this Blank to be filled with the 'Constable's name having the Writ] are hereby 'authorized to execute the within Writ, within the 'county of

'Dated at this Day of .'

Endorsement sufficient authority to Constable to levy Execution.

And this Endorsement shall be held and deemed a sufficient Warrant and Authority to the Constable to execute such Execution within such county, and such Constable shall be paid for such Service his usual and accustomed Fees.

Constable suffering Prison-

XXII. And be it further enacted, That if any Constable shall suffer any Prisoner or Prisoners in

Execution for Debt to escape, either voluntarily or negligently, or shall refuse or neglect to pay over to the Party or Parties entitled to receive the same, any Sum or Sums of Money levied or received under the authority of this Act, on demand made after Twenty-one Days from the date of Execution, then the said Constable shall be liable in a Penalty to the full amount of the Sum for which such Prisoner or Prisoners so escaping was or were so taken in Execution, and for the Sum or Sums of Money so received by him—to be recovered before the Commissioner or Commissioners by whom the Execution under which the said Prisoner or Prisoners were so taken, or the Monies so by him levied and received, was issued; or in case of the Death or Absence of any such Commissioner or Commissioners, before any other Commissioner or Commissioners for the County or District where the said Constable shall reside; and the same shall and may be recovered by Warrant of Distress of the said Constable's Goods and Chattels; and if no sufficient Distress can be found, then the said Commissioner or Commissioners is or are hereby authorized to commit the said Constable to the common Jail for a period not exceeding *Six Months*—the said Penalty, if recovered, to be paid to the Party aggrieved.

er to escape,

or neglecting or refusing to pay over money received under this Act, on demand after 21 days from date of Execution, to be liable to pay the full amount of Debt.

Mode of recovery.

Application thereof.

XXIII. And be it further enacted, That if any Plaintiff or Plaintiffs in any Court for the Recovery of Small Debts within this Island who may have obtained a Judgment or Judgments against his or their Debtor or Debtors shall suffer one Year to elapse from the date of such Judgment or Judgments without having sued out Execution, such Plaintiff or Plaintiffs shall, before he, she, or they take out Execution, be required to make an Affidavit before the Commissioner or Commissioners before whom the Cause was originally heard, stating if any and what Sum or Sums have been paid on such Judgment or Judgments, after which the Party or Parties Plaintiff shall be at liberty to

Judgment of 1 year standing without Execution issued, may be revived by affidavit made before Commissioner by whom the same was given.

Requisites of Affidavit.

Execution may issue for sums due.

take out Execution for the amount then remaining due and unpaid upon the said Judgment.

Prohibits Commissioners adjudicating in certain cases.

XXIV. And be it further enacted, That this Act shall not extend to Actions brought for the Recovery of any Sum arising upon any Contract or Case where the Title to Real Estate or Boundary Lines must be adjudicated upon; nor to any Sum won by means of any Wager or Gaming; nor to any Penalty incurred by any Act of this Island; nor to any Debt whereof there has not been a Contract, Undertaking, or Promise to pay within Six Years next before the issuing of the Summons—if, in the last mentioned case, the Defendant shall plead the same in his Defence.

Commissioners may adjudicate in Trover, in certain cases.

Provided always, That one or more of the said Commissioners shall have power to adjudicate on all cases of Trover, where the value demanded shall not exceed Forty Shillings, or Five Pounds, as the case may be, in the same manner as in matters of Debt.

Debts under 5*l.* not to be sued for in any Court of Record.

XXV. And be it further enacted, That no Action or Suit for any Sum not amounting to the value of Five Pounds, and being recoverable by virtue of this Act as aforesaid, shall be commenced in any Court of Record within this Island.

Exception.

XXVI. Provided always, and be it enacted, That where the Plaintiff or Plaintiffs shall, upon any such Action or Suit brought in any Court of Record, obtain a verdict there for less than Five Pounds, then if the Chief Justice, or other Justice before whom the same Cause may have been tried, shall certify a reasonable or probable cause of Action for more than Five Pounds, in every such case the Plaintiff shall not be liable to pay Costs, but may recover his Costs of Suit, as if this Act had not been made.

No Privilege to exempt any person from being proceeded against by this Act.

XXVII. And be it further enacted, That no Privilege or pretended Privilege shall be allowed to exempt any Person whatsoever from being proceeded against by virtue of this Act; nor shall any Person, save and except where the Plaintiff or Defendant shall be absent from or resident out of

the Island, be admitted to appear before any Commissioner or Commissioners as aforesaid as Attorney or Advocate in behalf of any Plaintiff or Defendant, or be admitted to speak in any Cause or Matter before any Commissioner or Commissioners who shall at any time sit to hear and determine Causes by virtue of this Act, in which such Person is not himself a Party or Witness, under pain of being committed to Prison for a space not exceeding Six Days.

No person allowed to appear by Attorney, unless absent from the Island.

XXVIII. And be it further enacted, That in every case where any Wages not exceeding the sum of Five Pounds shall be due to any menial or other Servant under the age of Twenty-one Years, neither of whose Parents reside within this Island, it shall be lawful for such Servant to sue for and recover such Debt before such Commissioners as aforesaid, in the same manner as if he or she were of full age; and such Commissioners are hereby fully authorized and required to take cognizance of and proceed concerning such Debts, in the same manner, and shall have such and the same powers in regard thereto, as if the Plaintiff were of full age.

Wages due to Minors (not exceeding 5*l.*) whose Parents are absent, may be recovered under this Act.

XXIX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any matter or thing done in pursuance of this Act, such Action or Suit shall be brought or commenced within Six Calendar Months next after the cause of Action shall have arisen, and not afterwards; and the same shall be laid and brought in His Majesty's Supreme Court of Judicature, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the general Issue thereto, and give this Act and the Special matter in Evidence at the Trial thereof; and if the matter or thing for which such Suit or Action may be brought shall appear to have been done in pursuance of this Act, or if such Action or Suit shall be brought in any other Court than is herein before expressed, then the Jury shall find for the Defendant or Defendants therein; and upon such Verdict,

Limitation of Actions.

Must be brought in Supreme Court.

General issue may be pleaded.

or if the Plaintiff or Plaintiffs shall become non-suited, or discontinue his, her, or their Action or Suit, or upon Verdict or Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then, in either of said Cases, the Defendant or Defendants shall and may recover full Costs, to be taxed as between Attorney and Client, and have such Remedy for the same as any Defendant or Defendants hath or have in any other cases by Law.

In certain cases Defendant to be allowed full Costs, to be taxed as between Attorney and Client:

XXX. And be it further enacted, That Subpœnas may be issued by any Commissioner although the Witness therein named shall not be required to appear before the Commissioner who may have issued the same, and the same shall be as valid and effectual as if such Subpœna had been issued by the Commissioner or Commissioners before whom the Witness named therein, is required to appear.

Any Commissioner may issue Subpœnas returnable before another Commissioner.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Justices of the Peace who have issued any Summons or Summonses from adjudicating thereon, or from issuing Execution for the Judgment or Judgments already given, or that may be given, in any such cases where Summonses have already been issued, or from fulfilling all and singular the business commenced under and by virtue of the powers vested in such Justice or Justices by the before-mentioned Acts.

Proviso.

XXXII. And be it further enacted, That no Person or Persons acting under and by virtue of this Act shall take or receive, directly or indirectly, any greater or other Fee or Fees for his or their respective Services than is or are hereinafter mentioned and allowed: That is to say—

Commissioners' Fees.

Commissioners' Fees.

	L.	s.	d.
For issuing avery Summons, where the Sum does not exceed *Forty Shillings*	0	2	6
For every Summons above *Forty Shillings* - - - - - -	0	5	0

For every Subpœna - - -	0	1	0
For every Execution - - -	0	1	4
For every Oath - - -	0	1	0
For drawing and engrossing every Affidavit - - - -	0	1	6
For every Recognizance - -	0	1	6

Constables' Fees.

For service of every Summons or Subpœna - - - -	0	1	0
For levying Execution - -	0	2	6
For every Mile actually travelled to serve a Summons or Subpœna, or to levy Execution, and back again	0	0	2

For levying and paying Monies on Execution, at the rate of *One Shilling* in the Pound.

Constables' Fees.

Witnesses' Fees.

For each Day's Attendance -	0	2	0
For every Mile travelled - -	0	0	3

Witnesses' Fees.

In the event of Witnesses attending in more than one Cause at the same time, then to be allowed only half of the above Fees in each Cause.

XXXIII. And be it further enacted, That in case at the hearing of any Cause or Causes as aforesaid before any Two of such Commissioners, a difference of opinion shall happen, so that Judgment cannot be given either way, it shall and may be lawful for the Commissioners so differing, and they are hereby required, to submit the case, together with all the evidence and circumstances connected therewith, to a third Commissioner appointed as aforesaid, to be mutually chosen by such Commissioners so differing in opinion, whose Judgment shall be as binding as if the said two Commissioners had agreed in opinion; and such Commissioner shall certify his opinion to the said Commissioners, who are hereby authorized to issue Execution either for Plaintiff or Defendant, as the Decision of the said Commissioner may be,

If Commissioners differ in opinion,

may submit the case to a third Commissioner,

whose judgment shall be final,

and shall be certified by him, and Execution may be issued thereon.

for the Judgment so given and Expenses, except where an Appeal from such Judgment is demanded and obtained.

SCHEDULE.

Schedule.

A.

County.

A. B. Plaintiff, } By Esquire, one
C. D. Defendant, }

(or two, as the case may be) of the Commissioners appointed for the Recovery of Small Debts for said County.

Form of Summons.

You are hereby required personally to be and appear before me (or us, as the case may be) at on the day of next, at the hour of of the same day, to answer the Plaintiff in an Action for the sum of (mention on what account due), or in default of your appearance you will be proceeded against as to justice shall appertain.

Given under my Hand and Seal (or our Hands and Seals, as the case may be) the Day of

E. F. Commissioner (L. S.)

To the Defendant G. H.

B.

County.

By Esquire, one of the Commissioners appointed for the Recovery of Small Debts:

Form of Subpœna.

You are hereby required personally to be and appear before at on the Day of at the Hour of of the same Day, to testify the Truth according to your knowledge between A. B. Plaintiff, and C. D. Defendant. And hereof you are not to fail, on the pain of being fined as the Law directs.

Given under my Hand and Seal this Day of E. F. Commissioner, (L. S.)

To

C.

Form of Recognizance of Appeal.

Form of Recognizance of Appeal.

County } Date
to wit. }
A. B. in Error, Plaintiff. }
C. D. in Error, Defendant. }
A. B. is delivered on Bail to prosecute his Appeal at the next sitting of His Majesty's Supreme Court of Judicature, which will be on the
Day of next coming.
To
E. F. of in County }
G. H. of in County } occupation.
Taken and acknowledged before me.
H. I. Commissioner.

D.

Form of Execution.

County,
A. B. Plaintiff, } By Esquire, one of
C. D. Defendant. } the Commissioners appointed for the Recovery of Small Debts.
To the Constables of County, or to any of them, and to the Keeper of the Jail at Charlotte-Town:
Whereas Judgment hath been awarded against C. D. of at the Suit of A. B. for the Sum of Debt and Costs of Suit—These are to require and command you the said Constables, or one of you, to levy from off the Goods and Chattels of the said C. D. the said Sums, making together by sale of the said Goods and Chattels; and for want thereof you are hereby commanded to take the Body of the said C. D. and him to commit to His Majesty's said Jail; and you the said Jailer are hereby required to receive the Body of the said C. D. into your Custody in the said Jail, and him to detain until he be thence discharged according to Law. And you the said Constables are hereby required to make due Return of your Proceedings under this Writ to me, within Twenty-one Days from the date hereof.

Given under my Hand and Seal the day of
E. F. Commissioner. (L. S.)

E.

Form of Recognizance for payment of Debt and Costs by Sureties.

A. B. Plaintiff. } We E. F. and G. H. do
C. D. Defendant. } jointly and severally undertake that if C. D. the Defendant shall not pay or cause to be paid to A. B. the Plaintiff the amount adjudged against him the said C. D. in this Action, being for Debt and Costs, on or before the Day of next ensuing, we or one of us will do it for him.

Taken and acknowledged before me, } E. F.
this Day of 18 . } G. H.
I. K. Commissioner.

CAP. II.

An Act to prevent the destruction of OYSTERS, by burning the same, for the purpose of converting the Shells thereof into LIME.

WHEREAS large quantities of Oysters are wantonly destroyed by Persons burning them when making Lime from the Shells: For remedy whereof,

Persons burning Oysters for the purpose of converting the shells into Lime, to forfeit 5*l.* and costs.

I. Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the Twenty-fourth day of March, One Thousand Eight Hundred and Thirty-two, no Person or Persons shall use or destroy any Oysters taken from any of the Rivers, Bays, or Creeks of this Island, by burning the same for the purpose of converting the Shells thereof into Lime, under a Penalty not exceeding *Five Pounds* and Costs of Prosecution.

II. And be it enacted, That upon complaint of a breach of this Act being duly made on Oath by one or more Witness or Witnesses, before any one of His Majesty's Justices of the Peace for this

Island, such Justice shall, and he is hereby required, forthwith to issue a Summons to the Party complained against, requiring him, her or them to appear before him the said Justice to answer the complaint within such time as under the circumstances shall to such Justice appear proper and reasonable, when and where the Witness or Witnesses to prove the charge shall also attend; and the Oath of the Complainant or Informer alone shall be sufficient to convict, where other Evidence cannot be had, and in all cases of necessity, to be determined and allowed by the Justice before whom the Complaint shall be made; and if, on Conviction, the Offender shall not immediately, or within such time as the Justice shall think proper, pay the Fine and Costs, the said Justice is hereby authorized and required to issue his Warrant to levy the amount thereof on the Goods and Chattels of the Offender; and for want of Goods and Chattels, to commit such Offender to the Common Jail at Charlotte-Town for a period not exceeding Thirty days.

Mode of recovery.

III. And be it enacted, That one half of all Penalties which shall be imposed and recovered under and by virtue of this Act shall be paid to the Person or Persons prosecuting for the same, and the other half shall be paid into the Public Treasury of the Island, for the use of His Majesty's Government.

Application of Fine.

CAP. III.

An Act to enable certain Persons to put their MARRIAGES upon RECORD.

WHEREAS in the Years One Thousand Eight Hundred and Twenty-three, One Thousand Eight Hundred and Twenty-four, One Thousand Eight Hundred and Twenty-five, and One Thousand Eight Hundred and Twenty-six, the Reverend Thomas Adin, Clerk, now deceased, was Rector of Charlotte Parish, and in his capacity

of Rector and Priest, solemnized several Marriages under the License of the Lieutenant Governor, or Administrator of the Government of this Island for the time being; and whereas the said Thomas Adin hath not caused several of the said Marriages to be duly registered in the Book of the Registry of Marriages for the Parish of Charlotte, and took with him when he left this Island, the original Letters of License for celebrating such Marriages: And whereas it may be productive of much Injury in time to come to the Issue of such Marriages so unregistered as aforesaid, by reason of not being able to prove the lawful Marriage of their Parents—For remedy whereof,

Persons married by Thomas Adin, Clerk, on obtaining a Certificate of the issue of license.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons so married by the late Thomas Adin, on obtaining a Certificate under the Hand and Seal of the Secretary or other Officer having charge of the Books containing a Record of the Issuing of Marriage Licenses, that a License in the usual Form appears to have been issued under the Hand and Seal of the Lieutenant Governor, or Administrator of the Government for the time being, and directed to the Parties married, and on obtaining the Affidavit or Affidavits of one or more of the Parties who were present at the Solemnization of the said Marriage, to cause the same to be filed with the present or any future Rector of Charlotte Parish, who, on such Affidavits being presented to him, shall cause the same to be copied into the usual Book of Registry of Marriages solemnized by him, and shall register the said Marriages, stating that such have been registered in pursuance of and by virtue of this Act; which Registry shall be as good, effectual, and valid in the Law, to all intents and purposes whatever, as if the same had been registered by the said Thomas Adin in his life time.

may have the same registered,

and be valid in law.

II. And be it further enacted, That the Rector so registering such Marriage shall have and receive

for so doing the following Fees: That is to say—

For filing each Affidavit, *One Shilling*.

For Copying the same into the Registry, for every Hundred Words, the sum of *Two Shillings*.

Rector's Fees for Registering such marriages.

For Registering each Marriage, *Three Shillings and Fourpence*.

For granting Certificate of such Registry, *Two Shillings and Sixpence*.

CAP. IV.

An Act authorizing the Removal of NUISANCES from the Streets of Charlotte-Town.

Preamble.

WHEREAS the Streets of Charlotte-Town are frequently encumbered with Nuisances of various descriptions, which not only obstruct the Thoroughfare, but also endanger the Health of the Inhabitants—For remedy whereof:

Inhabitants to keep Streets and Gutters before their Houses &c. free from filth, &c.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That every Person, an Inhabitant of Charlotte-Town, or a Proprietor therein, shall be obliged to keep the Gutters and Streets before the Houses, Building, or Land inhabited, occupied, or possessed by him, her or them, clear and free from Nuisances of every kind, under the Penalty next hereinafter mentioned. And every Person who shall put or place any Nuisance in the Streets of the said Town shall be subject to the Fine next hereinafter mentioned. And the Fire Wardens of the said Town, or any one of them, is or are hereby authorized and required to cause Rubbish of any kind whatever to be instantly removed, without giving any notice to the Person or Persons who may have put, or who may have caused the same to be put there, or becoming at all answerable for the same: And that whenever Rubbish of any kind shall be found lying or placed in any of the said Streets, the Person or Persons whose House, Building, or Property may be in front, and nearest

Fire Wardens authorized to remove rubbish, &c.

persons whose Houses, &c.

may be nearest to such rubbish liable to a Fine of 5s., and expense of removing the same.

to the said Rubbish, shall be liable for each Offence, to be fined in the Sum of *Five Shillings*, together with the Expense incurred by the Fire Wardens in causing the same to be removed.

Proviso.

Not liable to penalty unless guilty of throwing or placing any nuisance in the Street,

or suffering it to remain for 6 hours between sunrise and sunset.

Provided always, That no Person shall be liable to the said Penalty, unless he or she shall have thrown or placed any Nuisance as aforesaid in the Street where the same shall be found; or not having thrown or placed the same in the Street, shall, being the Occupier of the House or Premises nearest to which the said Nuisance is deposited, suffer the same to continue for the space of Six Hours between sun rise and sunset.

Not to prevent persons building from obstructing the Street opposite the

site thereof to the extent of 10 feet, if the same shall be enclosed, provided the Gutters be not obstructed.

And provided also, That nothing herein contained shall extend, or be construed to extend, to prevent any Person or Persons who may be erecting or repairing any Building whatever from placing, or causing to be placed, on the Street or Streets next the Site of such Building any such necessary materials as are to be used either in the construction or in the repairing of such Building, so that the same do not extend further than ten feet from the line of the said Street or Streets, and shall be enclosed within a Fence of not less than five feet in height—and provided also, that this shall not be construed to extend to permit any obstruction of the free course of the Water in the Gutters of the said Street or Streets.

If any Carriage be left in the Street for the space of two hours without a beast of burden

or after sunset, the owner to pay 5s.

II. And be it further enacted, That any Carriage of whatsoever description which may be left or placed in any Street or Streets in the day time, without any Beast of Burden being attached thereunto, and which shall have been suffered so to remain in that situation for the space of *Two Hours*, or shall be left in the Streets after sunset, the Owner or Owners of any such Carriage shall, for each offence, forfeit and pay the Sum of *Five Shillings*.

Mode of Recovery of fines.

III. And be it further enacted, That all Penalties and Forfeitures herein contained shall be sued for and recovered by any of the said Fire Wardens, be-

fore any One of His Majesty's Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; and in default thereof, by Imprisonment of such Offender for a period not exceeding *Three Days;* which Fines shall be appropriated towards the keeping in repair the Fire Engine or Engines belonging to the said Town.

Application.

IV. And be it further enacted, That in case any of the said Fire Wardens shall, after complaint made to him of any such Nuisance, suffer the same to remain unremoved for more than *Six Hours* in the day time next after such complaint made, he shall forfeit and pay a Fine of *Ten Shillings* for every such neglect, to be recovered as hereinbefore mentioned.

Fire Wardens neglecting to remove a nuisance within six hours after complaint made, to forfeit 10s.

V. And be it enacted, That this Act shall be and remain in force for the space of *Five Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. V.

An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to Issue Writs of Summary *Capias* against Persons about to leave this Island.

WHEREAS it is necessary to give to Justices of the Peace, and Commissioners for the Recovery of Small Debts, the power of issuing compulsory Process in cases of Small Debts, where the Debtor is about to leave the Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under and by virtue of the Act hereinafter mentioned relating to the Recovery of Small Debts, upon application made to him, in all cases where the Debt shall not exceed *Five Pounds*, and on Affidavit being made in writing be-

Any Justice or Commissioner under Small Debt Act,

in cases not exceeding 5l. on Affidavit made,

fore him (which Affidavit shall be in the form and to the effect hereinafter prescribed,) to issue a Capias to arrest the Body of the Debtor or Debtors, and to bring him, her or them before him; and upon the Appearance of the Defendant or Defendants the Justice or Commissioner who may have issued such Capias shall proceed to try the Cause, give Judgment, and issue Execution, in the mode pointed out in and by an Act made and passed in this present Session of the General Assembly, intituled 'An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts.'

to issue a Capias to arrest any Debtor;

and Justice &c. may try the cause and give Judgment and issue execution in mode pointed out in Act to consolidate Laws relating to recovery of Small Debts.

Provided always, That it shall and may be lawful for such Justice or Commissioner, if the Defendant or Defendants shall pray for the same, and tender good and sufficient Bail that he or they shall appear and answer the Suit, or if he or they shall deposite with the Justice or Commissioner the amount of the Sum sworn to, with a reasonable Sum for Costs, to grant such Defendant or Defendants a reasonable Imparlance, not to exceed in any case the space of *Three Months;* and if the Defendant or Defendants do not appear and answer to the Plaintiff's Suit on the Day appointed by the said Justice or Commissioner, Judgment shall be given by default, as well against the Defendant or Defendants as against the said Bail, if Bail hath been put in; and Execution shall be awarded against the Goods and Chattels of the Defendant or Defendants; and in default of such Goods and Chattels Execution shall issue against the Bail for the amount of the sum sworn to and the Costs: and in case the amount sworn to shall have been deposited, the said Justice or Commissioner shall hand the same over to the Plaintiff, together with any Costs that he shall have expended, or have been put to, in causing such Arrest to be made.

Provided, that if the Defendant shall offer Bail to appear and answer, or deposite the amount sworn to and Costs, he shall be entitled to an imparlance not exceeding 3 months:

And if Defendant do not appear and answer, the Justice, &c. may give judgment by default against Defendant and Bail.

Mode of recovery against Bail.

If deposite has been made,

mode of application thereof.

II. And be it further enacted, That in case of the appearance of the Defendant or Defendants at the time appointed the Cause shall be tried in the

manner hereinbefore directed, and either Party may appeal from the Judgment of the said Justice or Commissioner, on entering into the Security and complying with the Conditions of the hereinbefore mentioned Act.

Gives an Appeal from the judgment of Justice, &c. on complying with the conditions of the beforementioned Act.

III. And be it further enacted, That the Affidavit hereinbefore mentioned shall be in the following form:

' County.

'I A. B. do swear, that C. D. is justly and truly 'indebted to me in the Sum of of lawful 'money of Prince Edward Island, for and 'that I have been informed and believe that the 'said C. D. is about to depart from this Island, and 'that unless a Capias is granted to me I shall lose 'the said Debt of

'Sworn before me at on the Day of A. D. 18 . A. B.

E. F. J. P. or Commissioner.

Form of Affidavit of debt.

IV. And be it further enacted, That the forms of Writs to be used by the Justice or Commissioner shall be as follows:

Form of the Capias.

To either of the Constables of

You are hereby commanded to take A. B. of and bring him before me, to answer to C. D. Hereof fail not.

Given under my Hand and Seal at this Day of

Form of Capias.

Execution.

To the Constable of

Whereas Judgment hath been awarded against A. B. at the suit of C. D. for and for Costs, making in all the Sum of These are to command you, to take the Body of the said A. B. and him commit to His Majesty's Jail in there to remain until he pay the same, or be discharged by C. D. the Creditor, or other-

Form of execution against Defendant.

wise by Order of Law.

Given under my Hand and Seal this
Day of

Form of Execution against the Bail.

Form of execution against Bail.

Whereas Judgment hath been awarded in favour of C. D. as well against A. B. for the Sum of Debt and Costs of Suit, as against E. F. and G. H. who failed to produce the Body of the said C. D. as they had undertaken to do: These are therefore to command you, that you levy from the Goods and Chattels of the said C. D., E. F. and G. H. the Sum of and for want thereof to take the Bodies of the said C. D., E. F. and G. H. and them commit to the Jail of there to remain until they pay the same, or be discharged by C. D. or otherwise by Order of Law.

Given under my Hand and Seal, this
Day of

J. P. or Commissioner.

V. And be it further enacted, That the following Fees shall be allowed for the Services enjoined by this Act:

Fees of Justice or Commissioner and Constable.

	£	s.	d.
Drawing and Engrossing Affidavit .	0	1	6
Oath	0	1	0
Capias, if the Sum should not exceed *Forty Shillings* . . .	0	2	6
Capias, if the Sum exceeds *Forty Shillings* . . .	0	5	0
For each Recognizance . .	0	1	6
Execution . . .	0	1	4
Constable, for making Arrest, besides his ordinary travelling charges .	0	2	6
Levying Execution . .	0	2	6

CAP. VI.

An Act to alter and amend an Act made in the Forty-eighth year of the Reign of His late Majesty King George the Third, intituled "An "Act for repealing an Act intituled An Act to "prevent the throwing of Ballast into Rivers "and Creeks on this Island, and for the empow-"ering the Governor, Lieutenant Governor, or "Commander in Chief for the time being, to "appoint Ballast Masters, and to regulate their "Duty."

WHEREAS it has been found necessary to alter and amend so much of the above mentioned Act as relates to Fines and Penalties, and the appointment of Ballast Masters in the Small Harbours, Rivers and Creeks of this Island:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the Fine or Penalty of *Fifty Pounds* Sterling imposed in and by an Act made and passed in the Forty-eighth year of the Reign of His late Majesty King George the Third, intituled 'An Act for repealing an Act intituled An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being to appoint Ballast Masters, and to regulate their Duty,' for casting or unloading Stones, Gravel, or other Ballast, from on board any Ship, Vessel, or Boat, at or into any of the Creeks, Ports, Havens, or Harbours of this Island, shall only extend to Ships or Vessels of the Burthen of One Hundred and Twenty Tons Register Tonnage and upwards; and the said Fine or Penalty of Fifty Pounds Sterling, imposed as aforesaid, may be mitigated by the Justices of His Majesty's

After passing of this Act the fine of 50*l.* imposed by the Ballast Act of the 48th Geo. the Third, for casting stones, gravel, &c. into any of the Harbours, &c. of this Island, only to extend to cases of Vessels of 120 tons burthen and upwards; and may be mitigated by the Supreme

Court to a sum not less than 10*l.* and Costs, according to the degree of the offence.

Supreme Court of Judicature to a sum not less than *Ten Pounds* Currency, together with the expenses of prosecution, according to the nature and degree of the offence committed by the Master or Owner of any such Vessel as aforesaid.

Master or Owner of any Vessel of less size than 120 tons, unloading ballast contrary to the intent of said Act of 48 G. 3.

to forfeit a sum not exceeding 20*l.* and Costs.

Mode of recovery.

II. And be it enacted, That from and after the passing hereof, any Owner, Master, or other Person having charge of any Vessel of a less size or burthen than One Hundred and Twenty Tons Register Tonnage, or of any Lighter, Boat or Flat, who shall discharge or unload any Ballast contrary to the true intent and meaning of the before mentioned Act, shall, for every such offence, forfeit and pay a Sum not exceeding Twenty Pounds currency, together with the Costs of prosecuting for the same—which said Fines shall be recovered and applied in way and manner as is prescribed and set forth in and by the before mentioned Act.

Preamble.

III. And whereas it is found highly necessary and expedient to give encouragement to Vessels and Boats employed in Coasting and Fishing, and to relieve them from the attendance of Ballast Masters, and the charges attending the same, and at the same time to prevent as far as possible the improper discharging of Ballast, Rubbish, or Fish Bones in any of the small Harbours, Rivers or Creeks of this Island, by the appointment of Harbour Masters:

Commissioners of Highways within their respective Districts, to nominate in each year, on or before 1st April, Harbour Masters for several small Harbours,

in the same manner as Overseers of

Be it therefore enacted, by the authority aforesaid, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways, and they are hereby required within their respective Districts to nominate and appoint in each and every year on or before the first day of April, Harbour Masters for the following small Harbours—that is to say: Rustico, Bedford Bay, and Cove Head, in Queen's County; and St. Peter's, Savage Harbour, Colville Bay, Rollo Bay, Bay of Fortune, Howe Bay, and Boughton Bay, in King's County; which said Harbour Masters shall be appointed in the same manner as Overseers of Statute Labour are now appointed, and be sub-

ject to the same Fines, Penalties, and Forfeitures for neglect of duty, as Overseers of Statute Labour are, as is set forth and prescribed in and by an Act made and passed in the First year of the Reign of His present Majesty, intituled "An Act "for the further regulation of Statute Labour, and "to amend and continue Two certain Acts therein "mentioned:" And the said Harbour Masters, when so appointed, shall be exempted from performing Statute Labour or Militia Duty during the period they hold such appointment, any thing in the said last mentioned Act to the contrary notwithstanding.

Statute Labour are appointed, and subject to same fines, &c. as are set forth in the High Road Law of 1st year of King William 4th.

And such Harbour Masters are to be exempt from Statute Labour and Militia Duty.

IV. And be it further enacted, That the Persons so appointed Harbour Masters as aforesaid shall, to the utmost of their power, prevent the Masters or Owners of all Ships, Vessels, Lighters or Boats from casting, throwing or unloading any Stones, Gravel, Ballast, Rubbish or Fish Bones, or any other thing that will not float, into any of the Harbours, Rivers or Creeks, or into any other Waters within the Harbours, Rivers or Creeks to which they are appointed, in quantities likely to prove injurious to the Navigation of such Harbours, Creeks or Rivers, or within the limit as prescribed in and by the first hereinbefore mentioned Act, other than the place appointed by any such Harbour Master for laying or landing the said Stones, Ballast, Gravel, Rubbish or Fish Bones at or on, unless the same be carried on shore for the use of any Person or Persons claiming the same.

Harbour Masters to prevent Masters or Owners of Vessels, &c. from unloading Stones, &c.

into any of the Harbours, &c. for which they are appointed,

within the limits prescribed by the Ballast Act of the 48th G. 3, other than place appointed,

or on shore.

V. And be it further enacted, That if any Owner, Master, or other Person having charge of any Ship, Vessel, Lighter or Boat, whether employed in the Foreign, Fishing, Coasting, or any other Trade or Business whatever, shall unload or discharge any Stones, Ballast, Gravel, Fish Bones or Rubbish, or any other thing that will not float, into any of the said small Harbours, Channels, Rivers or Creeks of this Island, contrary to the true intent and meaning of this Act, or contrary to the directions given to such Owner, Master, or other

Owner or Master of any Vessel, &c.

unloading any stones, &c. into any of the small Harbours, contrary to this Act, or contrary to the directions of Harbour Master,

Person, by the Harbour Master, except as aforesaid, shall for every such offence forfeit and pay a fine not exceeding *Five Pounds*, together with the expenses of recovering the same.

to forfeit 5*l.* and Costs.

Every Harbour Master to be furnished with a copy of this Act, and to read the same on board every vessel arriving at the Harbour for which he is appointed,

and to direct where stones, &c. are to be discharged.

VI. And be it further enacted, That every such Harbour Master so appointed as aforesaid shall be furnished with a Copy of this Act, and shall, without loss of time, go on board every Ship or Vessel arriving at or into the Port to which he is appointed, and shall read to the Owner, Master, or Person in charge thereof, this Act, and shall give such further directions as may be necessary, pointing out at the same time the place where all Stones, Ballast, Gravel, Fish Bones, or Rubbish that will not float, may be discharged or landed.

Masters or Owners of any Vessel complying with the provisions of this Act,

to be exempt from all fees to Ballast Masters.

VII. And be it further enacted, That from and after the passing of this Act, all Masters, Owners, and other Persons in charge of any Coasting or Fishing Vessel, or of any Lighter, Boat or Flat, who shall in every respect perform the condition of this Act, and of the hereinbefore first mentioned Act, and shall proceed to the Ballast Bank as pointed out by the Ballast Masters or Harbour Masters of the respective Harbours, shall be free and exempt from all Fees or daily pay to any such Ballast Master.

Mode of recovery of fines.

VIII. And be it further enacted, That all Fines and Penalties arising under and by virtue of this Act, so far as the same may relate to breaches of this Act committed within the aforesaid small Harbours, shall be recovered before any Two of His Majesty's Justices of the Peace, and paid to the Harbour Master of the Port where any such offence shall be committed, or to any other Person who may prosecute for the same.

Persons convicted under this Act, having no Goods or Chattels whereon to levy fines,

may be com-

IX. And be it further enacted, That if the Person or Persons so convicted as aforesaid shall not pay the said Fine when convicted, within such time as to the Justices shall seem reasonable, or shall not have any Goods or Chattels whereon to levy for the same, it shall and may be lawful to and for the said Justices, and they are hereby required, to com-

mit the said Offender or Offenders to the Jail of Charlotte-Town, there to remain for a period not exceeding *Thirty Days*.

mitted to Jail for a period not exceeding 30 days.

X. And be it enacted, That this Act shall be and continue in force for *Three Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

Limitation of this Act.

CAP. VII.

An Act for building a Court House and Jail in Prince County, and for appointing Commissioners to superintend the same.

Preamble.

WHEREAS by an Act passed in the first year of His present Majesty, intituled "An Act "to authorize the appointment of Commissioners "for erecting certain Public works therein men-"tioned," it is enacted, that it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint Commissioners to contract for and superintend the building and completing each of the following Public Works, severally and respectively—that is to say:

'Five Commissioners, any three of whom to be 'a Quorum, to extend the Charlotte-Town 'Wharf:

'Five Commissioners, three of whom to be a 'Quorum, to erect a Bridge across York River, 'at Poplar Island:

'Five Commissioners, three of whom to be a 'Quorum, to erect a Court House and Jail, in one 'Building, at Georgetown, in King's County:

'Five Commissioners, three of whom to be a 'Quorum, to erect a Court House and Jail, at 'Princetown, in Prince County:

'And Three Commissioners to examine as to 'the practicability and expediency of constructing 'a Wharf at East Point, on Township Number For-

'ty-seven; and if the same shall appear to the 'Commissioners so appointed to be practicable 'and expedient, to superintend the erection 'thereof:—which said Commissioners, when ap-'pointed for each particular object, as aforesaid, or 'the major part of them respectively, are hereby 'authorized to make such Contracts for the pur-'chase of materials for the erecting, building, and 'completing such Public Works as are hereinbefore 'mentioned, as they, or the major part of them, 'respectively, shall think proper:—Provided, That 'no Contract entered into by such Commissioners 'shall exceed the amount appropriated by the 'Legislature of this Island for the respective pur-'poses aforesaid, together with the amount of Sub-'scriptions entered into for these respective ob-'jects:'

Preamble.

And whereas, by another Act passed in the First year of the Reign of His present Majesty, intituled 'An Act for appropriating certain Mo-'nies therein mentioned for the service of the year 'of Our Lord One Thousand Eight Hundred and 'Thirty-one,' it was enacted, that the Sum of *Six Hundred Pounds* should be placed at the disposal of the Lieutenant Governor, for the purpose of erecting a Court House and Jail, in one Building, at Princetown:

Preamble.

And whereas the said Sum of Money yet remains unexpended, and it is deemed more expedient, and for the greater conveniency of the Inhabitants of Prince County in general, that the said Court House and Jail should be erected on the land of the Crown, lately purchased from the Honorable Harry Compton, and situate on Township Number Seventeen, in the said County, and not at Princetown:

600*l.* appropriated by Act of the 1st year of the reign of His present Majesty to authorize the appointment of Commissioners for the erecting of Public Buildings, to be expended for

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said sum of *Six Hundred Pounds* shall be expended in erecting a Court House and Jail, in one building, on the said land of the Crown, situate on the said Township Number Seventeen (17); anything in

the said herein before recited Acts to the contrary notwithstanding.

the building a Court House and Jail at St. Eleanor's, Lot 17.

II. And be it further enacted, That so much of the said first recited Act as authorizes the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint Commissioners to erect a Court House and Jail, in one building, at Princetown, in Prince County, be, and the same is hereby repealed.

Repeals so much of said Act of the 1st year of His present Majesty as relates to the appointment of Commissioners to erect a Court House and Jail at Princetown.

III. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint Five Commissioners to contract for and superintend the building and completing of a Court House and Jail at Township Number Seventeen (17), as aforesaid; which Commissioners, when appointed as aforesaid, or the major part of them, are hereby authorized to make such Contracts for the purchase of materials for the erecting, building and completing the said Court House and Jail, in one building, as they, or the major part of them, shall think proper.

Lt. Governor, &c. to appoint 5 Commissioners, for superintending the building of a Court House and Jail at Lot 17.

Duty of Commissioners.

Provided, That no Contract entered into by such Commissioners shall exceed the amount appropriated by the Legislature of this Island for the erection of a Court House and Jail in Prince County.

Proviso. No Contract to exceed the sum appropriated.

IV. And be it further enacted, That the said Commissioners, so to be appointed, or the major part of them, shall, without delay, procure proper plans and sections of the said intended Court House and Jail, together with particular Estimates of the expense of Materials and Workmanship necessary to complete the same, which, together with any Contracts that shall be entered into by the said Commissioners, shall, previously to their being executed, be laid before the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, for approval.

Further Duty of Commissioners.

V. And be it further enacted, That the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, be,

Lt. Governor, &c. to draw Warrants on Treasury for the sum appropriated, for building said Court House and Jail at St. Eleanor's.

and he is hereby empowered to draw Warrants on the Treasury, at the requisition of such Commissioners, or the major part of them, for the sum or sums appropriated for the erecting such Court House and Jail as aforesaid, or any part or parts thereof, at such times and in such proportions as to the Commissioners, or the major part of them, may appear necessary.

In case of vacancies occurring, Lt. Governor, &c.

VI. And be it further enacted, that in case of the death, absence or resignation of any such Commissioner or Commissioners, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of His Majesty's Council,

to nominate other Commissioners.

to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like power and authority as is conferred by this Act upon the other Commissioners.

CAP. VIII.

An Act to prevent the running at large of Swine within the Town and Royalty of Princetown.

Preamble.

WHEREAS it is deemed expedient to prevent the going at large of Swine within the Town and Royalty of Princetown:

Commissioner of Highways for Princetown and Royalty to appoint 4 persons in each year, as Hog Reeves, within said Town and Royalty.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Commissioner of Highways for the District in which Princetown and Royalty are situate, and the said Commissioner is hereby required and directed, to appoint four fit and proper Persons on or before the First day of May next, and on or before the First day of April in each succeeding year, to act as Hog Reeves within the said Town and Royalty, and whose duty it shall be to seize

Duty of Hog Reeves.

and take up any Swine going at large beyond the enclosures of the Owner or Owners' Farms or Premises, within the said Town and Royalty; and on receiving information of such Swine going at large

as aforesaid, and on the same being shewn to any or either of the said Hog Reeves, so appointed, it shall and may be lawful for any of the said Hog Reeves to seize and take up, or cause to be taken up, all Swine found at large in Princetown and Royalty, and to sell and dispose of the same at Public Auction; and all Persons obstructing by any way or manner whatsoever any of the said Hog Reeves in the Execution of their duty, shall forfeit and pay a Fine not exceeding *Five Pounds*, and not less than *Forty Shillings*—to be recovered before any one or more of His Majesty's Justices of the Peace, to be levied of the Offender or Offenders' Goods and Chattels, by Warrant of Distress; and in the event of the Offender or Offenders not having Goods and Chattels whereon to levy the said Fine, then the Justice or Justices of the Peace is or are hereby authorized and empowered to commit the said Offender or Offenders to the Common Jail for a space not exceeding *Thirty Days*, nor less than *Fourteen*.

Persons obstructing Hog Reeves in the execution of their duty to forfeit a sum not exceeding 5*l.* nor less than 2*l.*

Mode of recovery of fine.

II. And be it further enacted, by the authority aforesaid, That if the said four Persons, or any of them, so to be appointed Hog Reeves within the said Town and Royalty, shall neglect or refuse to perform the duties of the said Office, in not taking up all Swine found going at large within the said Town and Royalty, and disposing of the same in manner hereinbefore prescribed, every Hog Reeve so neglecting or refusing to perform such duty, shall forfeit and pay the Sum of *Forty Shillings*—to be recovered in manner last aforesaid.

Hog Reeves neglecting or refusing to perform the duties of said office,

to forfeit 2*l.*

Provided always, That no Person appointed Hog Reeve, as aforesaid, shall be liable to serve as such more than once in every Three Years.

Proviso. Persons not liable to serve as Hog Reeves more than once in 3 years.

III. And be it further enacted, by the authority aforesaid, That all Fines and Forfeitures recoverable under this Act, after deducting all Costs and Expenses incurred, shall be disposed of in manner following: One-half to the Hog Reeves, and the remaining Moiety to be paid into the Treasury of

Application of fines imposed by this Act.

this Island, to be applied towards the opening of Streets and keeping in repair the Streets and Roads in said Town and Royalty.

Limitation of this Act.

IV. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in force for *Three Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. IX.

An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.

Preamble.

WHEREAS there is no specific time for closing the Poll upon the different days on which the same are directed to be held by the Laws heretofore passed for regulating the Election of Members to serve in General Assembly; and whereas the want of some specific Regulation on the subject has been productive of serious inconvenience—For remedy whereof—

Returning Officer, at any future Election.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for the Sheriff, or Returning Officer, at any future Election to be held for the Return of a Member or Members to represent any Town or County in this Island, and he is hereby required so to do, to adjourn or close the Poll (as the case may be) on each and every of the days on which the same is or are directed to be held by the Laws heretofore passed for the regulation of Elections, at the following times—that is to say: At all Elections for Members to serve in General Assembly that are held between the First day of April and the First day of October, in each and every year, both days inclusive, at the hour of Seven of the clock in the Evening of each and every day of such Election, if the same has not previously been closed by consent of the Candidates or otherwise, as

to adjourn or close the Poll (as the case may be) on each day

at 7 o'clock in the evening, between 1st April and 1st October, in each year, both days inclusive, if not

prescribed by Law—and at all Elections that are held between the First day of October and the First day of April, in each and every year, at the hour of Five of the clock in the Evening of each and every day the Poll shall be so held, if the same has not been closed as aforesaid; and the Sheriff or Returning Officer at any such Election, at the times hereby fixed, shall adjourn or close the Poll (as the case may be)—any law, usage or custom to the contrary notwithstanding.

previously closed by consent of Candidates, or otherwise;

and at 5 o'clock in the evening, between 1st October and 1st April, in each year, if not previously closed as aforesaid.

II. And be it further enacted, by the authority aforesaid, That the Sheriff or Returning Officer shall conduct himself in every other respect according to the Laws heretofore passed in this Island respecting Elections, saving and excepting the times of adjourning and closing the Poll as hereinbefore directed.

Returning Officer to conduct himself in every other respect as directed by Election Act heretofore passed.

III. And be it enacted, That this Act shall continue and be in force for and during the space of *Seven Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

Limitation of this Act.

CAP. X.

An Act for the Relief of Solomon Desbrisay, a Prisoner in confinement for Debt within the Limits of the Jail of Charlotte-Town.

WHEREAS the Person of Solomon Desbrisay hath been taken in Execution at the Suit of William Pleace, now resident abroad, for the Sum of *Five Hundred and Forty-three Pounds:* And whereas the said Solomon Desbrisay hath made every reasonable offer to his said Creditor in his power, which hath hitherto proved unavailing: And whereas it hath been prayed that the said Solomon Desbrisay might have the Limits of his Prison extended to the whole Island, whereby he may be enabled to raise more effectually sufficient for the liquidation of his Debts; and the same being reasonable—

Preamble.

Solomon Desbrisay, a Prisoner confined for Debt, on complying with the provisions of the Jail Limit Act of the 1st year of His present Majesty's Reign, by giving Bond,

Be it enacted, by the Lieutenant Governor, Council and Assembly, That when the said Solomon Desbrisay shall have executed a Bond, with good and sufficient Securities, in double the amount of the Debt due to the said William Pleace, according to the provisions of an Act made and passed in the First year of His present Majesty's reign, intituled 'An Act to repeal an 'Act made and passed in the Tenth year of the 'Reign of the late King George the Fourth, intituled An Act for the appointment of Limits and 'Rules for the Jail of Charlotte-Town, and to make 'other provisions in lieu thereof,' with a condition that the said Solomon Desbrisay shall not go or be at large out of the Boundaries of this Island, it shall and may be lawful to and for the Sheriff of this Island to permit and suffer the said Solomon Desbrisay to have his liberty within the Boundaries of this Island.

with a condition not to go out of the Boundaries of this Island,

to have his liberty within the same.

CAP. XI.

An Act to prevent Tavern-Keepers, Inn-Keepers, or other Persons, from harbouring or entertaining Soldiers at improper hours.

Preamble.

WHEREAS it is found necessary to prevent Tavern-Keepers, Inn-Keepers, or any other Person or Persons, from harbouring or entertaining Soldiers at improper hours:

Any Tavern-Keeper, or other Person, knowingly suffering any Soldier

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any Tavern-Keeper, Inn-Keeper, or any other Person or Persons in this Island, shall knowingly suffer or permit any non-commissioned Officer, Drummer, or Private Soldier or Soldiers, in His Majesty's service, to be and remain in his, her or their house or houses, under any pretence whatsoever, after the hour of Eight of the Clock in the evening, from the First day of October to the Thirtieth day of April, or after the hour of Nine in the evening, from the

to remain in his house after a certain hour in the evening,

First day of May to the Thirtieth day of September, in each and every year, without a written pass or permission from his or their Commanding Officer, he, she or they shall be liable to pay a Fine of *Twenty Shillings*, together with the Costs of recovering the same, for each and every offence—to be recovered before any one of His Majesty's Justices of the Peace for the said Island, on the Oath of one credible Witness; the same to be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the Party so offending to the County Jail for a period not exceeding *Ten Days*.

without a written Pass from Commanding Officer, to forfeit 1*l*. and Costs.

Mode of recovery of Fine.

II. And be it enacted, That One moiety of the said Fine if recovered, shall be paid to the Person who shall inform and sue for the same; and the other moiety shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Application of Fine.

CAP. XII.

An Act to require Landlords, or Claimants of Rents, to put the Titles by which they claim upon Record, in the proper Offices of Record in this Island.

Preamble.

WHEREAS great injustice and much inconvenience result to Tenants in this Island, by reason of the Titles of the different Claimants of Rents not being upon Record in the proper Offices of this Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, when any Person or Persons deriving Title from any Lessor shall sue or distrain for Rent Arrear, and the Tenant or Tenants shall defend, and an issue shall be thereupon joined before such Person or Persons so de-

Persons deriving Title from any Lessor, not entitled to recover Rent unless Proof is adduced, on

Trial, that the Title by which they claim

riving Title as aforesaid, on the trial of such issue, shall be enabled to recover such Rent so sued and distrained for, he or they, in addition to the usual evidence required in such cases, shall be obliged and required to produce evidence that the Title by which he or they claims or claim, whether by Will, Deed or Succession, hath been duly registered in the Offices in which such Title ought to be registered, previous to suing or making distraint.

hath been duly Registered, previous to the commencement of Suit.

No Lessor or Landlord to recover any Rents which shall not have arisen within 6 years before commencement of Suit, &c.

II. And be it further enacted, by the authority aforesaid, That no Lessor or Landlord, or his Assigns, shall be entitled to sue or distrain for any greater or further Sum of Rent Arrear than shall have arisen within *Six Years* next before the commencement of such Suit, or the making of such Distress.

Proviso: Not to extend to any other Rents than such as shall become due after the passing of this Act.

III. Provided always, and be it further enacted, That this Act shall not extend, or be construed to extend, to any other Rents than such as shall have arisen and become due subsequent to the passing hereof.

CAP. XIII.

An Act to prevent the Importation and Spreading of Infectious Diseases within this Island.

Preamble.

WHEREAS it has become expedient and necessary to make regulations for preventing the Importation of Infectious Disorders into this Island:

Regulations of Vessels having on board Emigrant Passengers, or contagious distempers, or coming from infected places, or on board of

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That no Vessel arriving in the Harbour of Charlotte-Town with Emigrant Passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper, or coming from any place infected with any such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of

which said Vessel any Person during the voyage had died or been sick of any such distemper, shall come, proceed, or be navigated or conducted further or higher up into the Harbour of Charlotte-Town, or into the several Rivers connected therewith, than Canso Point, or the confluence of the York, Elliot, and Hillsborough Rivers, until such Vessel shall have been duly inspected and examined by one competent Medical Person, to be for that purpose, as hereinafter mentioned, appointed nor until the said Medical Person shall signify his consent and permission, in writing, that such Vessel may proceed without danger to the Inhabitants of this Island; and if on such Inspection and Examination as aforesaid it shall be judged expedient, the said Medical Person be, and he is hereby authorized to direct the Master or Commander of the said Vessel forthwith to hoist, or cause to be hoisted a Yellow Flag, to be provided by the said Medical Person at the main topmast head of the said Vessel, and which Flag shall be kept flying, and to direct that the said Vessel shall be brought to anchor at the place aforesaid, and remain there for a space of time not exceeding *Three Days*, unless the Lieutenant Governor, or Commander in Chief for the time being, shall ordain and direct that such Vessel shall perform Quarantine, in which case the Master or Commander of such Vessel for the time being shall forthwith cause the said Vessel, with all the Persons, Goods and Cargo on board thereof, to be removed to and to anchor at such place, and for such length of time, not exceeding *Forty Days*, as the said Lieutenant Governor, or Commander in Chief for the time being, may think proper to direct and appoint; and during the time such Vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit or suffer any intercourse between the Persons on board the said Vessel and the Shores of this Island, nor between the said Vessel and any other Vessel or Boat, except under the direction of the said Medical Person; and the Master or Commander of any

which any Person had died or been sick of such distemper, on entering Charlotte-Town harbour.

Their Inspection and place of Anchorage.

Health Officer may license Vessel to proceed, or may direct the Master to hoist a Yellow Flag, and to remain at anchor for 3 days.

Lt. Governor, &c. may require Quarantine to be performed.

Vessel to be removed to place appointed by Lieut. Governor, and there to remain for a time not exceeding 40 days.

Master permitting any intercourse between Persons on board or any other Persons on shore, or on board of other Vessels, &c.

such Vessel, and all and every other Person or Persons belonging to and being on board such Vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or go on board of any other Vessel or Boat contrary thereto, or shall presume to bring, or put, or aid and assist in bringing or putting on shore or on board any other Vessel or Boat as aforesaid, any Person or any Goods from any such Vessel so having come to Anchor, or which shall be ordered to perform Quarantine as aforesaid, without the License and permission of the said Medical Person being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not exceeding *Two Hundred Pounds* of Current Money of this Island, or be imprisoned for a time not exceeding Twelve Months.

or disobeying any such orders, or any other Person coming on Shore or going on board of any other Vessel, &c.

without License from Health Officer,

to forfeit 200*l.* or be imprisoned for 12 months.

II. And be it further enacted, That the Master or Commander of every Vessel with Emigrant Passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper, or coming from any place infected with any such distempers, or at which any such distempers at the time of her departure were known or supposed to prevail, or on board of which said Vessel any Person during the voyage had died or been sick of any such Distempers, immediately on coming abreast of the Block House at the entrance of the Harbour of Charlotte-Town, shall cause the said Vessel's Ensign (or such other Colour as shall be on board) to be hoisted in the Starboard main rigging, and shall continue the said signal so hoisted, until the said Vessel shall have been inspected and examined by the said Medical Person, and a License be had from him to remove the same, under the Penalty of *Twenty Pounds*, for each and every offence.

Master of such Vessel, on coming abreast of Block House, at the entrance of Charlotte-Town-Harbour, to hoist an Ensign or other Colour in the Starboard, Main-rigging,

and continue the same hoisted until the Vessel is inspected, and License given to remove the same, under penalty of 20*l.*

III. And be it further enacted, That the several Branch Pilots belonging to the Harbour of Charlotte-Town shall be furnished with printed instructions containing a notice to the following

Branch Pilots to be furnished with printed Instructions, containing a Notice to Masters.

effect, viz:—'That no Vessel with Emigrant Passengers, or having the Small Pox, Yellow Fever, 'or other pestilential or contagious Distemper on 'board, or having come from any place infected 'with any such Distemper, or at which any such 'distempers were known or supposed to prevail 'at the time of her departure, or on board of 'which any Person had died or been sick of any 'such Distempers during the voyage, shall proceed 'or be navigated further or higher up into the 'Harbour than Canso Point, or the confluence of 'the York, Elliot, and Hillsborough Rivers; and 'that the Master or Commander of any such 'Vessel shall not go or put on Shore, or on board 'any other Vessel or Boat, or suffer any other 'Person to go or put on shore or on board of any 'other Vessel or Boat, any Person or Goods out of 'the said Vessel, until such Vessel shall have been 'inspected by the Medical Person, and his License for that purpose obtained, under the penalty of *Two Hundred Pounds;* and further, that 'the said Master or Commander shall cause the 'said Vessel's Ensign (or such other Colour as 'shall be on board) to be hoisted in the Starboard 'Main-rigging, so soon as the said Vessel shall 'come abreast of the Block House, and shall continue the same so hoisted until leave be granted 'by the said Medical Person to remove the same, 'under the penalty of *Twenty Pounds.*' And every Pilot, before he shall board any Vessel coming into the said Port or Harbour, shall ascertain whether such Vessels have on board any such infectious distempers, or have last come from any place known to be infected therewith at the time of the departure of any such Vessels, and whether any Person has during the voyage died or been sick of any such pestilential disease as aforesaid; and if his questions to the effect aforesaid, or any of them, shall be answered in the affirmative, he shall refrain from boarding such Vessel, but shall nevertheless inform those on board by the best means in his power of the provisions of this Act, as contained in

Tenor of Notice.

Duty of Pilot, before boarding any Vessel.

If Vessel comes from an infected place, or any person has been sick of or died of any pestilential disease during the Voyage,

Pilot not to board her.

Duty of Pilot in such case.

his instructions on that subject hereinbefore mentioned, and if permitted, shall point out the course for such Vessels to steer by, going before them with his Boat to the place where such Vessels ought to anchor, and shall forthwith give the proper notice or information to the Medical Officer who may be appointed to visit such Vessels under and by virtue of this Act; and it shall nevertheless be the duty of the said Pilot on first boarding every Vessel coming into the Harbour of Charlotte-Town, to read such Notice to the Master or Commander of such Vessel, or communicate to him the purport and effect of such notice; and any Branch Pilot who shall neglect his duty in this respect, shall for the first offence forfeit and pay the sum of *Ten Pounds*, and for the second offence, in addition to the penalty of Ten Pounds, be prevented for ever after from holding a Branch. And if any Person or Persons shall be found to have been landed or attempting to land from any such Vessel with Emigrant Passengers, or so coming from any infected place as aforesaid, or having any Person on board so infected as aforesaid, or on board of which said Vessel any Person during the voyage had died or been sick of any such infection, it shall and may be lawful for any Justice of the Peace, by Warrant under his Hand and Seal, directed to any Constable, to cause such Person to be taken and reconveyed on board such Vessel; and the said Constable having such Warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said Vessel any and all Persons so landed or attempting to land as aforesaid; and it shall be lawful for the Persons so called upon by the said Constable or Officer to assist or use such force as may be necessary to carry the said order into effect, by forcing such persons landed, or attempting to land, back to and on board such Vessel; and the Master or Person having command or charge of such Vessel from which such Person shall have landed or attempted to land, shall, on request of the Constable or Officer having the execution of such

Pilots offending against this Act, to forfeit 10*l.* for first Offence, and for a second Offence to be disqualified from holding a Branch.

Persons landing from any such Vessel,

Justice of the Peace authorized, by Warrant, to direct them to be re-conveyed on board.

Constable authorized to command assistance to enable him to execute Warrant.

Master of such Vessel to receive and keep on board such Persons,

Warrant, receive, take and detain on board his said Vessel such Person or Persons, under the Penalty of *Fifty Pounds* for each and every Person that he shall refuse to receive, or neglect to detain and keep, on board after being so returned.

under a penalty of 50*l.*

IV. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, is hereby authorized and required to appoint one competent Medical Person, who shall have power and authority, and whose duty it shall be, to visit, inspect and examine all Vessels arriving in the Harbour of Charlotte-Town, and on board of which such signal shall have been so hoisted in the starboard main rigging as aforesaid, or on board of any other Vessel with Emigrant Passengers, or which may be suspected of having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper; and to make full inquiry and examination into the state of the health of all persons on board any such vessels, or who have been on board during any part of the voyage; and whether the said vessel came from or touched at any place infected with any of the distempers aforesaid, or at which at the time of her departure any such distempers were known or supposed to prevail: And if the said Medical Person, on such inspection and examination, shall consider that no danger is likely to result to the Inhabitants of this Island from suffering such vessel to proceed into the Harbour, he shall give a License in writing to the Master or Commander of such vessel for that purpose, and thereupon such vessel may proceed; but if there should exist any doubts relative thereto, that the said Medical Person do immediately require the Master or Commander of such vessel to bring the said vessel to anchor at the place hereinbefore mentioned; and the said Medical Person shall thereupon forthwith make a Report thereof, in writing, to the Lieutenant Governor, or Commander in Chief for the time being, with his opinion and advice relative

Lieut. Governor, &c., with advice of Council, to appoint Health Officer.

Duty of Health Officer.

thereto; and such Medical Person who shall visit, inspect and examine any such vessels as aforesaid, shall for each and every such visit, inspection and examination, be entitled to demand, and receive from the Master, Owner, or Consignee of such vessel so visited, inspected and examined, the sum of One Pound Three Shillings and Fourpence; and if the said Medical Person shall be guilty of any unnecessary delay in inspecting and examining any such vessel as aforesaid, or shall negligently perform the duty of examining and inspecting any such vessel, he shall be displaced from office.

Master, Owner or Consignee of Vessel to pay Health Officer a Fee of 1*l* 3*s* 4*d* for Inspection. Health Officer may be displaced for neglect of duty.

Provided always, That in case it shall be found necessary for the said Medical Person to make more than one visit to any such vessel or vessels on board of which any Distemper or Contagion may actually exist as aforesaid, such Medical Person shall be entitled to receive one half only of the aforementioned rate for every second and further visit so made, together with a reasonable allowance for Medicines furnished and supplied—the said Fees for attendance and allowance for such Medicines, to be recovered in any Court competent to take cognizance of the same.

Proviso.

Health Officer entitled, for every second and other visit, to a Fee of 11*s*. 8*d*. besides a reasonable allowance for medicine.

Mode of recovery of Fees, &c.

V. And be it further enacted, That no Person or Persons whatsoever, other than the medical Person appointed as aforesaid, shall go on board any Vessel so arriving as aforesaid, which shall have such signal so hoisted in the starboard main-rigging as aforesaid, or which having come to anchor, shall continue to have such signal so hoisted as aforesaid, under a penalty not exceeding *Twenty Pounds* for each and every offence; and if any Person or Persons, other than the Medical Person aforesaid, shall go on board any such vessel, or any other vessel on board of which the attendance of the said Medical Person shall or may be required under and by virtue of this Act, then and in such case the Master or Commander of such Vessel for the time being is hereby authorized and required to keep and detain such Person or Persons on board the said Vessel until such License as afore-

No Person other than Health Officer, to go on board any Vessel, after Signal hoisted,

under Penalty of 20*l*.

Master of Vessel required to detain on board, until license be

said be given for the said Vessel to proceed, or until the expiration of such time as shall be directed, and appointed for the said Vessel to perform Quarantine as aforesaid, or permission in writing be had from the said Medical Person for him or them to depart; and if any such Person or Persons so having unlawfully gone on board any such Vessel as aforesaid, shall go on shore or depart from the said vessel before such License as aforesaid shall be given, or before the expiration of the time appointed for the said Vessel to perform Quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such Person or Persons so offending as aforesaid, and the Master or Commander of any such vessel so permitting such Person or Persons to go on shore or to depart from the said Vessel, and every other Person or Persons aiding and assisting therein, shall, for each and every offence, severally forfeit and pay the Sum of *Fifty Pounds:* and it shall and may be lawful for any Justice of the Peace, by Warrant under his Hand and Seal directed to any Constable, to cause such Person or Persons to be taken and re-conveyed on board such vessel; and the said Constable having such Warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said Vessel any and all Persons so landed, or attempting to land, as aforesaid; and that it shall and may be lawful for the Person or Persons so called upon by the said Constable to assist or use such force as may be necessary to carry the said order into effect, by forcing any and all such Persons landed or attempting to land back to and on board such Vessel; and any Person or Persons neglecting or refusing, when called on to assist such Constable in forcing back to and on board such Vessel any or all such Persons landed or attempting to land, shall incur and forfeit and pay a Sum not exceeding *Five Pounds:* And the Master or Person having command or charge of such Vessel from which such Person or

granted to proceed, or until Quarantine be performed, or until license be given to depart by Health Officer, all persons going on board.

Persons so going on board, and returning before License given or expiration of Quarantine,

and Master of Vessel permitting the return of any such Person, and all others aiding, respectively to forfeit 50*l.* for each offence;

and Justice may, by Warrant, direct a Constable to re-convey such Persons on board.

Constable authorized to command assistance, if necessary.

Persons called on to assist Constable,

neglecting or refusing to do so,

to forfeit 5*l.*

Master, on request of Constable, to receive such Person on board, under a Penalty of 50*l.* for each Person he shall refuse to receive.

Persons shall have landed, or attempted to land, shall, on request of the Constable having the Execution of such Warrant, receive, take and detain on board his said Vessel such Person or Persons, under the penalty of *Fifty Pounds* for each and every person that he shall refuse to receive, or neglect to detain and keep on board, after being so returned.

Lt. Governor, &c. with advice of Council, may direct Passengers, &c. to be landed at such place, as he may appoint,

VI. And be it further enacted, That during the time any such vessel shall be ordered to perform Quarantine as aforesaid, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council (if, on the Report of the Medical person aforesaid, it shall be judged expedient), to order and direct that the passengers and others on board such vessel infected with any disease, may be landed therefrom, and conveyed to such place as he may appoint, in order to facilitate their recovery, and to prevent the spreading of the disease; and

there to remain until they are restored to health.

the persons so landed as aforesaid shall remain at such place or places as shall be appointed therefor until they are restored to health, their clothes thoroughly cleansed, under the direction of the said Medical person, and his certificate be obtained that

When Health Officer certifies that the Vessel is cleansed from which Passengers are landed,

they may proceed to the town or country without danger to the Inhabitants thereof; and the said vessel from which the said passengers shall be so landed shall be thoroughly cleansed and purified, under the direction of the said Medical person, and when so cleansed and purified, the said Medical person shall report the same to the Lieutenant Governor, or Commander in Chief for the time being, who

the Lt. Governor, &c. may give License for Vessel to depart from Quarantine.

shall thereupon give a License for the said vessel to depart from such Quarantine as aforesaid; and in

Persons departing from place appointed, without permission of Health Officer, may be apprehended by Warrant from a Justice of the Peace,

case any person or persons shall depart from the place to which he, she or they may have been conveyed from the said vessel, without the permission of the said Medical person being for that purpose first obtained, it shall and may be lawful for any Justice of the Peace, by Warrant under his hand and seal, to direct any Constable to cause such person or

persons to be apprehended and carried back to the place from whence he, she or they may have so departed, or to be otherwise disposed of, so as to prevent the spreading of the Infection.

and carried back to such place.

VII. And be it further enacted, That no Penalty whatsoever shall be inflicted on the Master or Commander of any Ship or Vessel, or any other person, for any breach of the provisions of this Act, unless such breach shall be committed wilfully or negligently after such Master or Commander, or other person, shall have received notice of the provisions of this Act, any thing hereinbefore or hereinafter contained to the contrary notwithstanding.

No penalty attaches, by virtue of this Act on the Master of any Vessel, until he shall have received notice of its provisions.

VIII. And be it further enacted, That all Vessels as aforesaid which shall arrive at any of the other Harbours within this Island shall hoist the said Vessel's Ensign, or such other Colour as may be on board, in the Starboard Main Rigging as aforesaid, and shall not proceed further or higher up into any of the said Harbours than may be absolutely necessary for the safety of such Vessel, until such Vessel shall have been visited, inspected, and examined by the Medical Person appointed for that purpose, and his permission in writing first obtained for the said Vessel to proceed: and the Master or Commander of any Vessel which shall proceed further or higher up into the several Harbours than is hereinafter directed, until such permission shall be obtained as aforesaid, shall, for each and every such offence, forfeit and pay the Sum of *Twenty Pounds.*

Vessels arriving at any of the other Harbours of this Island, to hoist Ensign or other Colour, as aforesaid, and not to proceed further than safety of Vessel warrants, until inspected by Medical Person, to be appointed, and License given, under Penalty, on Masters of 20*l.*

IX. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, is hereby authorized to appoint fit and proper persons in the several Out-harbours of this Island, who shall have full power and authority within their respective Districts to order and direct any Vessel or Vessels having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper, or

Lt. Governor, &c. with advice of Council, may appoint Persons in the Out Harbours to have power to order any

coming from any place infected with such Distempers, immediately upon her arrival at or within any such Harbour as aforesaid, to come to an anchor at such place as to them, or the major part of them, shall be deemed most advisable to protect the Inhabitants from contracting any such Fever or contagious Distemper as aforesaid; and such Vessel or Vessels shall there remain, and shall not proceed further into the said Harbour, until the Master or Commander of such Vessel shall have obtained a License for that purpose from the persons so appointed as aforesaid, or the major part of them; and in case such License shall be denied, and it shall be judged expedient by such persons, or the major part of them, that the said Vessel with its Cargo and all persons on board should ride or perform Quarantine, then the said Vessel or Vessels shall be liable to the same Rules and Regulations, and all persons on board thereof shall be subject to the same penalties in every instance as are hereinbefore prescribed respecting Vessels, Goods and Passengers arriving at or within the Harbour of Charlotte-Town and the several Rivers connected therewith: And all Vessels liable to perform Quarantine and arriving at any out-port on the South side of this Island, situated any where between the East Point and West Cape of the Island, shall and may, by such persons, or the major part of them, be ordered and compelled to proceed to such place to perform Quarantine as Vessels arriving at Charlotte-Town Harbour shall be appointed to perform the same duty; and all such Vessels as may arrive at any other of the out-ports of this Island shall in like manner be ordered and compelled to perform Quarantine in such part of Richmond Bay as shall be fixed and determined on by those persons who shall be so appointed as aforesaid for that Bay, or the major part of them: And such persons so appointed in the several out-harbours as aforesaid, are authorized and required to nominate and appoint one competent Medical per-

Vessel to anchor where they deem proper;

Such Vessel there to remain until license to depart is given by such Persons.

Such Persons may order Quarantine to be performed under the same Rules, and subject to the same Penalties as are hereinbefore prescribed for Vessels arriving at the Harbour of Charlotte-Town.

Vessels arriving at South side of this Island, between East Point and West Cape, may be ordered to same place as Vessels arriving at Charlotte-Town.

Vessels arriving at any other Out Port may be ordered to Richmond Bay.

Such Persons authorized to nominate a competent Medical Person, to have simi-

son, who shall have the same powers and authorities in every respect within the District for which he may be appointed as are herein given to the Medical Person to be appointed as aforesaid for the Harbour of Charlotte-Town; and such Medical persons shall make report in writing to the person or persons so requesting him to go on board and make examination as aforesaid of the result of such examination and inquiry, with his opinion and advice thereon, in the same manner as is hereinbefore prescribed by the Fourth Section of this Act.

lar powers as the one appointed for Charlotte-Town.

Such Medical Person to proceed as directed by the 4th Section of this Act.

X. And be it further enacted, That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace on Oath, that any person has escaped from any such Vessel, or from the Limits assigned, or to be assigned, as aforesaid, and is kept or concealed in any House or other Building; or if Oath be made by some credible person or persons that there is good reason to suspect, and that such person or persons do verily believe that any person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his Warrant to any of the Constables, authorizing and requiring him or them to enter and search such House or other Building: and if such person so escaping as aforesaid shall be found therein, to arrest, take, and convey him or her on board of such Vessel, or to such place as shall be appointed or assigned as aforesaid for such persons to be kept in.

Justice of the Peace, on Oath made of Escape of any Person from any Vessel or Limits, and of belief of Informer of his being concealed in any house, &c.

may issue Warrant directed to a Constable, authorizing him to search such House, &c. and if found, to convey him on board such Vessel or to such place as shall be appointed.

XI. And be it further enacted, That if any person whatsoever shall aid, assist, or procure any person to aid, abet, or assist, any person in landing from such Vessel, or in escaping from such place appointed as aforesaid, previous to a License for that purpose obtained as aforesaid, or shall keep, secrete, or conceal, or shall procure any person to keep, secrete, or conceal any such person landing or leaving as aforesaid, or in any manner assist in preventing the detection and apprehension of such person so landing without a License as aforesaid, every such person so offending shall for every such offence forfeit

Persons aiding or assisting any Person in landing from Vessel, or escaping from place appointed, or keeping or concealing any such Person, or preventing the apprehension of any such Person, to forfeit for each offence

not more than 20*l.* nor less than 5*l.*

and pay a sum not less than *Five Pounds* nor more than *Twenty Pounds.*

Mode of recovery of Penalties; to be prosecuted for by private Individuals within 20 days after the Offence committed.

XII. And be it further enacted, That all the Penalties and Forfeitures in this Act mentioned may be prosecuted, sued for, and recovered in the Supreme Court, by Action of Debt, Bill, Plaint or Information, by any person who shall prosecute for the same within Twenty Days after the commission of the offence; and when recovered, shall be paid one moiety to the person so suing and prosecuting, and the other moiety to be paid into the Treasury of the Island for the use and support of the Government thereof; and if no person shall so sue or prosecute within Twenty days, then that the same Penalties and Forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered, to be paid, after deducting the Costs and Charges of Prosecution, into the said Treasury, for the uses as aforesaid.

Application of Penalties.

Attorney General to prosecute, if no other Person does so, within 20 days, and the Penalties in such case, after deducting Costs, to be paid into the Treasury.

On Application from Master of any Vessel, Lt. Governor, &c. may appoint other Medical Persons to visit Vessel with Health Officer.

XIII. And be it further enacted, That upon application from the Master or other Commanding Officer of any Vessel having any Infectious Disorder on Board as aforesaid, made to the Lieutenant Governor, or other Administrator of the Government for the time being, for further medical assistance, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, to direct such other Medical person or persons as he may select to visit such Vessel so infected in conjunction with the Health Officer, which said Medical person shall be entitled to receive the same remuneration as is given to the said Health Officer for each and every visit he may make as before directed, any thing in this Act to the contrary notwithstanding.

Fees of Persons so appointed.

Lt. Governor, &c. with advice of Council, may suspend the operation of this Act.

XIV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, from time to time to suspend the operation of

this Act as regards Vessels arriving from any Port, Place, or Country.

CAP. XIV.

An Act to confirm and render valid certain Marriages heretofore solemnized within this Island; and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same.

WHEREAS it is deemed expedient to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the keeping of a public Registry of the same:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all Marriages which have been heretofore solemnized within this Island by any Clergyman or Minister of the Gospel, officiating as such, or by any Justice of the Peace, or other lay Person, either by virtue of License from any Governor, Lieutenant Governor, or other Commander in Chief of this Island, or by Publication of Banns, or otherwise, where the Parties so married have cohabited together, shall be, and the same are hereby declared lawful and valid; and the issue of all such Marriages are hereby made legitimate, to all intents and purposes whatsoever.

Confirms all Marriages heretofore solemnized within this Island, where the Parties have cohabited, and the issue of such Marriages declared legitimate.

Provided always, That nothing herein contained shall extend, or be construed to extend, to the rendering valid any Marriage where either of the Persons is so married a second time, the former Husband or Wife being then alive; nor where the Persons married are within the degrees of kindred prohibited in an Act made and passed in the Thirty-second year of King Henry the Eighth, intituled 'An Act concerning Pre-'contracts, and touching Degrees of Consangui-'nity.'

Proviso: Not to extend to render valid Marriages where either of the Persons is so married a second time, the former Husband or Wife being alive, or where the Parties are within the degrees of kindred prohibited by the Act of the 32d year of King Henry the 8th, concerning Precontracts, and touching degrees of consanguinity.

Clergymen, or Ministers of any sect or denomination of Christians, having Spiritual charge of a Congregation,

II. And be it further enacted, That every Clergyman or Minister of any Sect or denomination of Christians having Spiritual charge of a Congregation within this Island, upon producing to the Lieutenant Governor, or other Commander in Chief for the time being, satisfactory proof of his Ordination, Constitution, or Appointment, and that he is actually employed by the denomination of which he professes to be a Minister within this Colony, and receiving a Certificate to that effect under the Hand and Seal of the Lieutenant Governor, or Commander in Chief for the time being, and all others whom the Lieutenant Governor, or Commander in Chief for the time being, may thereto authorize, shall hereafter have power and authority to solemnize Marriage, either by License from the Lieutenant Governor or after Publications of Banns in their respective Church, Chapel, or other place of Public Worship, on Three successive Sundays, during Divine Service.

on receiving a Certificate from the Lt. Governor, &c. and all others whom Lt. Governor, &c. may authorize, may solemnize Matrimony either by License or publication of Banns.

Proviso. Not to extend to prevent ordained Clergymen of the Church of England, Kirk of Scotland, Church of Rome, Presbyterians, Dissenters from the Kirk of Scotland, Wesleyan Methodists and Baptists, having respectively charge of Congregations, from solemnizing Matrimony according to the forms of their respective Churches without such Certificate.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Clergymen regularly ordained according to the rites of the Church of England, Kirk of Scotland, or Church of Rome, Presbyterians being Dissenters from the Kirk of Scotland, the Wesleyan Methodists and Baptists respectively, and having respectively within this Island Spiritual charge of a Congregation, from solemnizing Marriage according to the forms of their own respective Churches, without having obtained such Certificate as is hereinbefore mentioned.

Clergymen of any other denomination, or any other Person, solemnizing Marriage without License or publication of Banns, or marrying Minors, having Parents or Guardians

III. And be it further enacted, That any such Clergyman, Minister of the Gospel, or other person, who shall after the passing of this Act solemnize any Marriage without such License or Publication of Banns as aforesaid, or who shall knowingly solemnize any Marriage between parties of whom one or both are under the age of Twenty-one Years, having Parents or Guardians living and resident within this Island, without the con-

sent of such Parents or Guardians, shall forfeit and pay for every such offence the sum of *Five Hundred Pounds;* and the Marriage of any such person or persons under the age of Twenty-one Years, without such consent, shall be null and void.

living, without consent of such Parents or Guardians, to forfeit 500*l*, and the marriage of Minors to be void.

IV. And be it further enacted, That all Marriages shall be solemnized in the presence of two or more credible Witnesses besides the Minister, Clergyman, Justice of the Peace, or other Person authorized to solemnize Matrimony, who shall solemnize the same, and that after the Solemnization thereof such parties so authorized to solemnize Marriage Contracts shall, and they are hereby required to transmit within the period of Six Months a Certificate of the Celebration of each Marriage by them performed, together with the names of the parties witnessing the same, to the Surrogate of the Island, which Certificate shall be in the manner and form following:

All Marriages to be solemnized in the presence of at least 2 Witnesses, besides the officiating Clergyman, &c.

Clergyman, &c, to transmit, within 6 months, to the Surrogate, a certificate of the celebration of each Marriage.

Form of certificate.

Names of Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By License or Banns.	Names of Witnesses.

'I hereby certify that the above named parties 'were married by me this day under License 'from the Lieutenant Governor (or by Publica-'tion of Banns, as the case may be), in the pre-'sence of the above named Witnesses.'

'Dated at this
'day of 18

A. B.

And the said Surrogate is hereby required, on receiving the Fee hereinafter mentioned, to record the said Certificate in a Book to be kept for that purpose, a certified Copy of which Record under his Hand and Seal shall be deemed due and sufficient Evidence in any Court of Law or Equity to establish the proof of such Marriage in all cases where the testimony of none of the Witnesses to such Marriage can be obtained.

Surrogate to record the same, and his Certificate to be good evidence of such marriage, where the testimony of the Witnesses cannot be procured.

Persons authorized to celebrate Marriage Contracts intiled to demand 1s. 6d. (over and above usual fee) to be paid to Surrogate for recording Marriage. Surrogate's Fee for certified copy of record of Marriage.

V. And be it further enacted, That any Person authorized to celebrate Marriage Contracts shall be entitled (in additon to his usual Fee) to demand and receive from the Parties married by him the sum of *One Shilling and Sixpence*, which sum he is hereby required to pay to the Surrogate as a Fee for Recording such Certificate; and evey person desirous of a certified copy thereof from the Record, shall be entitled to the same on paying to the said Surrogate the sum of *One Shilling and Sixpence.*

Clergymen, &c. refusing or neglecting to transmit Certificate to Surrogate,

to forfeit 5*l*.

Mode of recovery of Fine.

VI. And be it further enacted, That each and every Clergyman, Minister of the Gospel, Justice of the Peace, or other Person celebrating Matrimony, who shall either refuse or neglect to transmit such Return or Certificate to the Surrogate as aforesaid, shall, for each and every neglect or refusal, forfeit and pay into the Treasury of this Island the sum of *Five Pounds*, for the use of His Majesty, to be recovered before any one of His Majesty's Justices of the Peace, by Warrant of Distress and Sale of the Offender's Goods and Chattels.

Preamble.

VII. And whereas it may happen that some Person or Persons within age, whose Parent or Parents are either deceased or absent, may be desirous to contract Matrimony, but by reason of his or her having no Parent or Guardian living or present to consent thereto, no License can be obtained:

In certain cases, Minors may contract Matrimony.

Mode of proceeding, to render Marriage of Minors valid.

Be it therefore enacted, that in each and every such case, and in all other cases not hereby especially provided for, it shall and may be lawful for any person authorized to solemnize Marriages, when required, to inquire into the propriety of any such Marriage being contracted, by examining the said Parties, or such other persons as he may deem necessary; and if he shall be satisfied of the propriety thereof he shall certify his consent thereto, whereupon a License may be issued in like manner as upon the consent of Parents and Guardians, or the Marriage may be celebrated after Proclamation by Banns, as may be required by the Parties.

VIII. And be it further enacted, That if any Minister, Clergyman, or other Person, shall presume to celebrate Marriage contrary to the Provisions of this Act, in any case not hereinbefore provided against, he shall for every such Offence forfeit and pay to His Majesty the sum of *Fifty Pounds;* the same to be recovered in His Majesty's Supreme Court of Judicature, together with Costs of Prosecution—the said Fine to be paid into the Treasury of this Island to and for the use of His Majesty's Government.

Any Clergyman, &c. celebrating Marriage contrary to this Act, to forfeit 50*l.*

Mode of recovery of Fine.

Application of Fine.

IX. And be it further enacted, That from and after the passing of this Act, all Licenses to be granted under and by virtue of the same, shall be directed to such Person who may be authorized to solemnize Matrimony as the Person or Persons applying for such License shall or may request or desire, and to no other Person or Persons whomsoever, any usage or custom to the contrary notwithstanding.

Marriage Licenses to be directed to such Person authorized to solemnize Matrimony, as may be requested by Applicant for License.

Provided always, That nothing in this Act contained shall have any force or effect until His Majesty's Pleasure therein shall be known.

Suspending clause.

CAP. XV.

An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island and no provision is made for the enforcing thereof.

WHEREAS there are several Acts of this Island which impose Penalties and Costs, without providing any mode of recovering the same—For remedy whereof,

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all such cases it shall and may be lawful to and for the Justice or Justices by whom such Penalties and Costs are or may be inflicted, in default of Payment, to issue

In all cases where Justices of the Peace are empowered to impose penalties, in default of payment

Warrant of Distress may be issued against Goods and Chattels of party convicted;

his or their Warrant of Distress against the Goods and Chattels of such Person or Persons so convicted, authorizing and requiring the Constable or other officer to whom such Warrant is directed, to levy the amount of such Penalty and Costs from and out of the Goods and Chattels of the Person or Persons so convicted; and in default of Goods and Chattels, that the said Justice or Justices shall and may commit the Person or Persons so convicted to the Common Jail of Charlotte-Town, for the respective periods hereinafter mentioned—that is to say: Where the Penalty shall not exceed the sum of *Five Shillings*, for a space not exceeding *Ten Days*—And where the Penalty shall be above *Five Shillings*, and shall not exceed the sum of *Twenty Shillings*, for a period not exceeding *Fourteen Days*—And where the Penalty shall be above *Twenty Shillings* and shall not exceed the sum of *Forty Shillings*, for a period not exceeding *Twenty-one Days*—And where the Penalty shall be above *Forty Shillings* and shall not exceed *Five Pounds*, for a period not exceeding *Sixty Days*.

and in the event of no Goods and Chattels being found, whereon to levy, Justice may commit person so convicted to Jail for certain periods.

Defines the period of Imprisonment according to the amount of Fine.

If no Goods and Chattels of Delinquent can be found, and he is committed to Jail, Constable to be paid his Fees from Treasury.

II. And be it further enacted, That in all cases where Goods and Chattels cannot be found whereon to levy the Penalty and Costs, or any part thereof, and the Delinquent Party or Parties shall in consequence thereof be committed to Prison, it shall and may be lawful for the Justice or Justices granting such Commitment, to certify the amount and particulars of the Constable's Costs remaining unpaid to the Clerk of His Majesty's Council, and the same after being approved of by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, shall be paid out of the Treasury of the Island to the Constable or Constables entitled to receive the same.

Mode of payment.

CAP. XVI.

An Act to amend and render more effectual an Act made and passed in the Eleventh Year of the Reign of His late Majesty, intituled 'An Act to 'authorize the Conviction and Punishment in a 'Summary way of Persons committing Common 'ASSAULTS and BATTERIES.'

WHEREAS it is necessary to amend the said abovementioned Act:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall and may be lawful for the Lieutenant Governor to add to the number of the Justices of the Peace appointed in each County of this Island to hear, determine and adjudge Common Assaults and Batteries, and which said Justices shall have power and authority to meet and adjudicate at such place as may be deemed most convenient in the respective Counties and fixed on by the majority of such Justices so appointed, and shall have power and authority to adjourn from day to day, until such cases as may come before them shall be heard and determined.

Lt. Governor may add to the number of Justices of the Peace in each County appointed to hear Common Assaults and Batteries. Justices to have power to meet and adjudicate at such place in their respective Counties as they may deem most convenient, and to adjourn from day to day.

II. And be it further enacted, That any two of such Justices, when so assembled and met at the time and place so required by this and the before recited Act, shall form a Quorum.

Two Justices to form a Quorum.

III. And be it further enacted, That Justices of the Peace in taking Recognizance from persons committing Common Assaults and Batteries, shall, and they are hereby required to bind such parties, as also the Prosecutor and Witnesses, to appear before the said Justices so appointed by this and the before recited Act, at their next sitting after such offence shall have been committed, except in such cases as are excepted in the Fifth Section of the before mentioned Act; and if the said person or persons so bound to appear shall make default and shall not appear according to the condi-

All Justices in taking Recognizance in Common Assaults and Batteries, required to bind the parties, and also Prosecutor and Witnesses, to appear before the Justices appointed in the several Counties to determine in such cases; except in such cases as are excepted in the 5th section of the Act

of the 11th year of King Geo. the 4th, relating to Common Assaults and Batteries. If Persons so bound make default, Recognizance to be certified to Supreme Court, and liable to be estreated, in the same manner as Recognizances returnable in the said Court. Justices may, if they think proper, abstain from adjudication, and bind the Parties to appear at Supreme Court.

tion of his or their Recognizance, the said Justices shall and they are hereby required to certify such Default under their Hands and Seals to His Majesty's Supreme Court of Judicature, together with the said Recognizance, when the same shall be liable to be Estreated by His Majesty's Attorney or Solicitor General in the same way and manner as if such Default had been made on any Recognizance returnable in the said Supreme Court; and the said Justices so appointed, if on investigating any such Assault on the appearing of such persons so charged, shall find the party or parties deserving a higher or greater Fine than is prescribed by this and the said before mentioned Act, it shall and may be lawful, and they are hereby required, to bind the said Offender or Offenders by Recognizance to appear at His Majesty's Supreme Court of Judicature at its then next sitting and also to bind the Prosecutor or Prosecutors and Witnesses, if necessary, to appear and prosecute.

Justices neglecting to attend sittings appointed, to forfeit 2*l.*

IV. And be it further enacted, by the authority aforesaid, That any such Justice of the Peace so appointed under and by virtue of this Act, or under and by virtue of the before mentioned Act, who shall neglect to attend at the times and places so appointed, without some reasonable cause, to be determined by the majority of such Justices as shall attend, shall forfeit and pay for each neglect the sum of *Forty Shillings*, to be recovered by Warrant of Distress to be issued by any two Justices who shall attend as aforesaid; which Fine shall be paid into the Treasury of this Island to and for the use of His Majesty's Government.

Mode of recovery of Fine.

Justices may Fine any Offender in any amount not exceeding 5*l.* and Costs.

V. And be it further enacted, by the authority aforesaid, That the said Justices of the Peace so appointed shall have power and authority to convict and fine any Offender or Offenders in a Fine not exceeding *Five Pounds*, together with Costs, any thing in the hereinbefore recited Act to the contrary notwithstanding.

VI. And be it further enacted, That the following Fees shall be allowed for the services enjoined by this Act:

Justices' Fees.

	£	s	d
Drawing and engrossing Affidavit	0	1	6
Subpœna . . .	0	1	0
Every Oath . .	0	1	0
Each Warrant . .	0	1	6
For every Recognizance .	0	1	6
For every Judgment and Conviction	0	5	0

Justices' Fees.

Constables' Fees.

For executing each Warrant, or for serving other Process .	0	1	0
For every mile travelled .	0	0	3

Constables' Fees.

Witnesses' Fees.

For each day's attendance .	0	2	0
For every mile travelled in coming to and returning from Court	0	0	3

Witnesses' Fees.

VII. And be it further enacted, That this Act shall be and continue in force for and during the same period as the Act of which this is an amendment.

Limitation of this Act.

CAP. XVII.

An Act to Incorporate the Minister and Trustees of St. James's Church, in the Town of Charlotte-Town.

WHEREAS the ground upon which the Church for the Public Worship and Exercise of the Religion of the Church of Scotland in the Town of Charlotte-Town, commonly called St. James's Church, has been erected, is held by Trustees under and by virtue of a Deed of Conveyance by Lease and Release from Alexander

Preamble.

Birnie, of the City of London, Merchant, bearing date at Charlotte-Town the Thirtieth day of September, which was in the year of our Lord One Thousand Eight Hundred and Twenty-five: And whereas the said Trustees are not a Body Corporate, and no provision is made for the Election of Successors to the said Trustees from time to time on their death or removal from the Island, the said ground being granted by the said Deed of Conveyance to the Trustees therein named, and the Survivor or Survivors of them, their Heirs and Assigns, upon the Trust therein mentioned:

Preamble.

And whereas, the Reverend James Mackintosh, Minister of the Congregation of the Church of Scotland using the Church erected as aforesaid in the said Town of Charlotte-Town, and William Cullen and John Macgill, Merchants, John Mackieson, Surgeon, and Alexander Brown, Schoolmaster, all of Charlotte-Town aforesaid, Trustees of the said Church, and others, having, by their humble Petition to the Legislature represented the inconveniences resulting from the provisions of the said above mentioned Deed of Conveyance under which the said ground is held as aforesaid, and the want of a Corporate capacity in the said Trustees to enforce by legal process the payment of the Rents payable by holders of Pews in the said Church, as well as to enable them to hold any other Lands or Real Estate that might be granted and conveyed for the use of the said Church, and prayed for an Act of Incorporation in order to afford them relief in the premises:

Incorporates the Trustees of St. James's Church, in Charlotte-Town, and the Rev. James Mackintosh and others, and their Successors in Office.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said William Cullen, John Macgill, John Mackieson, and Alexander Brown, Trustees as aforesaid, together with the said Reverend James Mackintosh, Thomas Owen, Merchant, George Dalrymple, Chemist and Druggist, and William Cranston, Farmer, all of Charlotte-Town aforesaid, and their Successors for ever, which said Successors are to be elected in way and manner hereinafter directed,

shall be, and they are hereby constituted and declared, a Body Corporate and Politic in Name and in deed, by the name and style of, "The Minister and Trustees of St. James's Church"—shall be a perpetual Corporation, and shall have perpetual succession, and a common Seal, with power to break, change and alter the same, from time to time, at pleasure, and shall be in Law capable of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever, and also of contracting and being contracted with relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted, as hereinafter declared, and may make, establish and put in execution, alter or repeal, such By-Laws, Rules, Ordinances and Regulations, as shall not be contrary to the Constitution and Laws of this Island, or to the provisions of this Act, or to the Constitution of the Church of Scotland, and as may appear to the said Corporation necessary and expedient for the interests thereof.

Name of Corporation.

Powers of Corporation.

Provided always, That Three of the Members of the said Corporation shall form a Quorum, for all matters to be done or disposed of by the said Corporation.

Proviso: Three Members of Corporation to form a Quorum.

II. And be it further enacted, That the Ground aforesaid held by the Trustees named in the hereinbefore mentioned Deed of Conveyance, shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several limitations, trusts and uses, declared and expressed in the said Deed, so far as this Act shall not alter or affect the same.

Ground conveyed to Trustees to be holden by Corporation, subject to the Trusts, &c. expressed in the Deed thereof.

III. And be further enacted, That it shall and may be lawful for the said Corporation to accept any such Real Estate as may hereafter be gratuitously given, granted or bequeathed for the use of the said Church, which shall not, together with that already holden by the said Trustees as afore-

Corporation may hold Real Estate not exceeding in value a net yearly income of 500*l.* sterling.

said, exceed in value and yield at any time more than a clear net yearly income of *Five Hundred Pounds Sterling;* and that the said Corporation shall and may sell, alienate and dispose of the said Real Estate so bequeathed, from time to time, as they shall see fit.

Mode of filling up vacancies that may happen in Corporation, by death, removal from this Island, or otherwise. Vacancy of office of Minister to be supplied by his successor, as hereinafter directed.

IV. And be it further enacted, That when any vacancy shall happen in the said Corporation by death, or the removal from the Island of any of the Members thereof, or otherwise, the said vacancy shall be supplied in the manner hereinafter mentioned; that is to say, when a vacancy shall happen by the death or the removal of the Minister of the said Church, or otherwise, the same shall be supplied by his Successor, Minister of the said Church, who in the way and manner hereinafter provided shall be appointed, authorized and approved of as the Minister of the Congregation of the said Church. And when any vacancy shall happen by the death, or the removal from the Island, or otherwise, of either of the before named William Cullen, John Macgill, John Mackieson, Alexander Brown, Thomas Owen, George Dalrymple, or William Cranston, or of any of their successors, the same shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the Pew Holders in the said Church not in arrear of Pew Rent, at a Meeting to be convened as hereinafter mentioned.

Other vacancies how supplied.

Mode of appointment of Minister.

V. And be it further enacted, That whenever a vacancy shall happen by the death, or the removal, or otherwise, of the Minister of the said Church, it shall be the duty of the Kirk Session within *Eight Days* from the time of every such vacancy happening, to require, by a notice or requisition published at least twice in the Royal Gazette, or some other Newspaper printed in Charlotte-Town, a Meeting of the Pew Holders of said Church not in arrear of Rent, to assemble in the said Church on a day not more than ten days after the day of such notification, at a convenient hour, for the purpose of taking the steps necessary for supplying such vacan-

cy or vacancies as aforesaid, by electing a Committee of Seven (Five to form a Quorum) of said Pew Holders not in arrear of Pew Rent, who shall have full power, conjointly with the Members of the Corporation for the time being, or as many of them as may choose to attend, to take such steps as to them, or the majority of them, may seem best adapted for speedily obtaining to be Minister of said Church a regularly ordained Minister of the Church of Scotland; and at which Meeting the senior member of Session present shall preside; and if at any such Election there shall be an equality of votes, the Member of Session so presiding shall have the casting vote.

Qualification of Minister.

VI. And be it further enacted, That when any vacancy or vacancies shall happen in the said Corporation, by death, or the removal from the Colony of any of the Members thereof, or otherwise, other than in respect of the Minister of said Church for the time being, it shall be the duty of the said Minister, within *Six Calendar Months* from the time of every such vacancy happening, to require, by a notice or requisition from the Pulpit of the said Church on two successive Sundays, to be published at such time during the forenoon service as he shall see fit, a meeting of the said Pew Holders not in arrear as aforesaid to assemble in the said Church at a convenient hour on a day not exceeding *Ten Days* after the day of such Publication, for the purpose of supplying such vacancy or vacancies as aforesaid, by a person or persons who are Members of the said Church, and who shall cease to be Members of said Corporation if ever they cease to be Members of said Church, by joining in communion with any other Church or religious Society; at which meeting the said Minister, if not prevented by illness or other cause, shall preside; or if so prevented, then the senior of the other Members of the said Corporation present shall preside thereat; and if at any such Election there shall be an equality of votes, the Minister or other Member so presiding shall have the casting vote.

Mode of proceeding to fill up vacancies happening in Corporation.

All vacancies in Corporation to be filled up by persons members of the Church and who shall cease to be Members of Corporation if they join in communion with any other religious Society.

Where a Pew is held by several persons, only one allowed to vote at any meeting of Pew Holders.

VII. And be it further enacted, That in all cases where a Pew shall be held by more than one person, then only one of such persons shall be entitled to vote in respect of such Pew at any meeting of the Pew Holders; and that no female shall be allowed to vote on any occasion whatsoever.

Mode of calling meeting of Pew Holders.

VIII. And be it further enacted, That on a requisition signed by *Twenty Pew Holders*, specifying the object they have in view, it shall be the duty of the said Session to call a Public Meeting of the Pew Holders to be held within *Ten days* after the receipt of said requisition.

Duties of Corporation.

IX. And be it further enacted, That there shall be opened and kept by the said Corporation a Register, in which shall be entered and recorded, from time to time, the proceedings for supplying such vacancies as aforesaid, as well as other proceedings and transactions of the said Corporation, and which Register shall be open to the inspection of every Pew Holder not in arrear of rent, at all seasonable times; and that on every Election to supply such vacancies as aforesaid, the same shall be declared by an Instrument to be forthwith made and executed under the Hands of the Member presiding thereat, and three of the Members of the said meeting, which said Instrument declaratory of such Election shall, at the diligence of the person or persons elected at such meeting, be caused to be enregistered in the proper office for the Registration of Deeds in this Island, within *One Calendar Month* from the day of such Election, which registration the proper Officer is hereby required to make at the request of the bearer of such Instrument, and for which he shall be entitled to demand and receive the usual Fee: And in default of the Registration of the said Instrument within the time aforesaid, the said Election shall be absolutely null and void, and the said Corporation shall proceed *de novo* to another Election, and in the same manner as if no such Election had taken place.

X. And be it further enacted, That all Deeds of Gift and Conveyance of Real Estate which shall be made to the said Corporation, shall be enregistered within *Twelve Calendar Months* after the execution thereof respectively, in the proper Office for the Registration of Deeds in this Island, which Registration the proper Officer is hereby required to make at the request of the Bearer of such Deeds respectively, and for which he shall be entitled to demand and receive the usual Fees; and in default of such Registration as aforesaid of any such Deed or Deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of Gift of Real Estate to Corporation to be registered in the proper Office of registration of Deeds within 12 months after execution.

Proper officer to register such Deeds on request, and entitled to demand the usual fees.

XI. And be it further enacted, That nothing herein contained shall effect, or be construed to effect, in any manner or way, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

Saving the rights of the King, and others.

XII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

This Act to be deemed a Public Act.

CAP. XVIII.

An Act to Incorporate the Minister and Elders of Saint John's Church, in the District of Belfast.

Preamble.

WHEREAS by a Deed of Indenture, bearing date the Second day of June, in the year of our Lord One Thousand Eight Hundred and Twenty-five, Andrew Colville, of Ochiltree and Crommie, in the County of Fife, and of Langley in the County of Kent, Esquire, John Hallket, of Cheltenham, in the County of Gloucester, Esquire, and Sir James Montgomery, Baronet, Knight of the Shire for the County of Peebles, Trustees ap-

pointed by the last Will and Testament of the late Right Honourable Thomas Earl of Selkirk, deceased, and the Executors thereof, granted and conveyed unto Malcolm Macmillan the younger, of Lot or Township Number Sixty-two, Angus Bell, of Lot or Township Number Sixty-two, Lauchlan Morrison, of Lot or Township Number Sixty, Donald M'Rae, of Lot or Township Number Fifty-eight, and Alexander Macleod, of Lot or Township Number Fifty-seven, in this Island, Farmers, a certain piece and parcel of Land in Trust and for the use of divers persons of the profession of worship approved of by the General Assembly of the Church of Scotland, situated in the Parish of St. John, in the County of Queen's County, containing Eight Acres, and therein particularly described and set forth: And whereas sundry Inhabitants of the District of Belfast, and its vicinity, in the County of Queen's County, being of the Protestant profession of faith approved of by the said General Assembly of the Church of Scotland, have by voluntary contributions erected a handsome Building for a place of Public Worship, which it is intended shall be in connection with the Established Church of Scotland: And whereas it would prove highly advantageous to the said Church that the said Title to the said parcel of Land should be transferred to and vested in the Minister and Elders of the said Church, which said Minister and Elders have been duly appointed and chosen, according to the usages of the Church of Scotland, and that the said Minister has been duly Licensed to officiate in the said Church:

Preamble.

Preamble.

Minister and Elders of St. John's Church, in the District of Belfast, and their Successors in office,

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Reverend John Maclennan, Minister of the said Church, and the Elders already named and appointed, and their successors in office, being elected, appointed, and licensed in the manner authorized by the Laws and Regulations of the Established Church of Scotland, shall be deemed and taken to be in all Courts of Law and Equity the Proprietors of the said par-

cel of Land, instead of the said persons now having Title thereto as aforesaid; and that the said Title to the said parcel of Land shall henceforward be transferred and vested in the said Minister and Elders, commonly known by the name of the Kirk Session, and their successors for ever, being so appointed, elected, and approved of as aforesaid, to have and to hold, use and enjoy the same, for the use and intent aforesaid; saving, nevertheless, the right of His Majesty, His Heirs and Successors, and of all Bodies Politic and Corporate, and of all other persons, to the said parcel of Land, except the said persons in whom the Title is vested as aforesaid, for the use aforesaid.

to be deemed in all Courts Proprietors of the parcel of land in said Parish conveyed by Andrew Colville and others to Malcolm Macmillan and others, for the site for said Church—

saving the right of the King, and all others, except the said Malcolm Macmillan and others.

II. And be it further enacted, by the authority aforesaid, That the said Minister and Elders shall be and they are hereby incorporated by the name of "the Minister and Elders of Saint John's Church, in the District of Belfast, and Parish of Saint John"—that they shall by that name have a perpetual succession and a Common Seal, with power to break, change or alter the same from time to time at pleasure, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold Gifts and Grants of Land and Real Estate, the Annual Income of which shall not exceed the sum of *Five Hundred Pounds* Currency, and also to receive Donations for the Endowment of the same.

Minister and Elders incorporated.

May hold real Estate to the amount of 500*l.* per annum.

CAP. XIX.

An Act to encourage the Settlement and Improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful, upon an Inquest of Office on the Oaths of *Twelve Men* sworn for that purpose, held before the Commissioners of Escheats and Forfeitures for

On Inquest of Office taken before a Jury & Commissioner of Escheats,

returned into the Registry of the Court of Chancery, Lt. Governor, with advice of Council may make Grants of Lands returned as forfeited.

this Island, according to the Commission to him granted, and duly returned into the Office of the Register of the Court of Chancery, for the Administrator of this Government for the time being, with the advice and consent of His Majesty's Council, to make Grants and Conveyances of such Lands so returned; which Grants and Conveyances shall be good, valid and effectual, to all intents and purposes whatsoever.

Before proceeding to take Inquest, 6 months notice to be given.

II. And be it further enacted, That before any Inquest of Office shall be made before the Escheator or Commissioner, public notice thereof shall be given in the Royal Gazette for at least *Six Months* before such Inquest shall be taken or made.

Persons allowed to traverse any Inquisition.

Mode of traverse.

III. And be it further enacted, That one part of every such Inquisition being returned as aforesaid into the Court of Chancery, if any Person will traverse the same, such Inquisition shall, on Petition to the Chancellor, be certified into His Majesty's Supreme Court of Judicature of this Island, and may be there traversed in the same manner that Inquisitions are traversed in the High Court of Chancery or Court of Exchequer in England.

No Grants of Land escheated by any Inquest of Office to be made before the expiration of 12 months from the date of Inquest, except to former Grantees, or their Heirs or Assigns.

Inquest to be traversed within 12 months from date of finding.

IV. And be it further enacted, That no Lands which by any Inquest of Office shall have been found to have escheated, shall be granted to any Person or Persons before the expiration of *Twelve Months* from the date of such Inquest, except to the Person or Persons who was or were the former Grantee or Grantees thereof, his or their Heirs or Assigns; and that it shall and may be lawful to and for any Person interested in or entitled to such Lands as are comprised in said Office, or any part or parts thereof, to traverse the same at any time within the said *Twelve Months* from the date of such Inquest; and if the said Office shall not be traversed within the time last mentioned, the Grant of the said Lands, or any part thereof, by virtue of such Inquest, by the Administrator of this Government for the time being,

with advice as aforesaid, shall be absolute, according to the form and effect of such Grant.

CAP. XX.

An Act to increase the Revenue by levying a Duty of Impost on all Goods, Wares and Merchandize imported into this Island, with certain exceptions.

WHEREAS it is deemed expedient to grant an additional Supply to His Majesty: **Preamble.**

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That a duty of Impost shall be levied, paid and received on all kinds of Goods, Wares and Merchandize, of what kind or nature soever, except as hereinafter excepted, which shall be imported or brought into this Island from any place or country whatsoever, and which shall be used, sold, expended or consumed within the same; which said Impost Duty shall be levied, paid and collected at the following rate: that is to say—A Duty of *Two Pounds Ten Shillings* on each and every One Hundred Pounds worth of Goods which shall be imported for sale, use or consumption as aforesaid, by any Person or Persons whatsoever; which said Duty of Impost shall be calculated on the Invoice price of each One Hundred Pounds' worth of Goods as aforesaid, and so in proportion for a greater or lesser quantity; which said first Cost or Invoice of such Goods, Wares or Merchandize, as aforesaid, shall be ascertained by and from the Importer or Consignee of the same, or by his, her or their principal Clerk or Agent, who shall and is hereby required to make and subscribe the following Oath before the Collector of Impost:

A duty of Impost to be paid on all Goods, &c.

brought into this Island and sold or consumed therein,

at the rate of 2l. 10s. for every 100l. worth,

to be calculated on the Invoice price,

and ascertained on oath of Importer, Consignee, or Clerk or Agent, to be made before Collector of Impost.

'I A. B. do swear that the Articles mentioned 'in this Entry is a just and true Account of all the 'Goods, Wares and Merchandize imported by me 'in the Ship or Vessel called the whereof

Form of Oath

' is Master, which are liable to Duty with-
'in this Island; and that the amount herein sta-
'ted is the same which the said Goods, Wares or
'Merchandize cost in

'So help me God.'

Oath to be filed by Collector.

Which Oath shall be filed in the Office of the Collector of Impost aforesaid.

Duty imposed by this Act to be collected and received under and subject to the same drawbacks, rules, and penalties as are prescribed by the Tobacco and Tea Duty Act of the 6th year of the reign of King Geo. 4th, and an Act of the same year and reign altering and amending the same.

II. And be it further enacted, by the authority aforesaid, That the Rates and Imposts to be paid and collected under and by virtue of this Act shall be collected and received in the same manner, and under and subject to the same Drawbacks, Rules, Regulations, Penalties and Forfeitures, in all respects, as are prescribed and provided for by an Act made and passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act for 'increasing the Revenue by levying a Duty on 'Tobacco and Tea,' and by an Act made and passed in the said Sixth year of the Reign of His late Majesty, intituled 'An Act to alter and continue 'an Act made and passed in the Sixth year of His 'present Majesty's Reign, intituled An Act for in-'creasing the Revenue by levying a Duty on To-'bacco and Tea.'

Goods, &c. imported in Boats from the neighbouring Colonies, to be subject to the same duties, fines, &c. as if imported in Vessels.

III. And be it further enacted, That all Goods, Wares and Merchandize, as aforesaid, which shall or may be imported in Boats from any Port or Ports of the neighbouring Colonies, shall be subject to the same Duties, Fines and Forfeitures as if the same were imported in Vessels of greater burthen.

Articles exempted from the payment of duty.

IV. And be it further enacted, That it is the true intent and meaning of this Act, that nothing herein contained shall extend, or be construed to extend, to the levying, imposing or collecting any Duty whatsoever, by virtue of, or under the authority of this Act, from or upon the Articles of Salt, Lime or Limestone, Wine, Rum, Brandy, Gin, and other Distilled Spirituous Liquors, Ale, Porter, Tobacco, Tea, Sugar, Molasses, Fish, Fish Oil, Lumber and Staves, the Baggage of Emigrants, Wheat or Grain, or Grass Seeds of any

description, or such implements of Husbandry as may be imported by any Agricultural Society in this Island for Agricultural purposes, imported into this Island.

V. And be it further enacted, That if any Contractor or Contractors, Commissary or Commissaries, or any other Person or Persons whatsoever in His Majesty's Service or Employment, shall import and bring within this Island for the use of His Majesty's Navy or Army, any Goods, Wares or Merchandize, or Ordnance Stores, or War Munitions of any kind whatsoever, or Officers' Baggage, the same shall not be considered in any manner liable to any Duties imposed by this Act; any thing herein contained to the contrary notwithstanding.

Articles imported for the use of the Army or Navy exempted from duty: also Officers' baggage.

VI. And be it further enacted, That the Treasurer of this Island shall be allowed for his trouble in receiving and paying all Sums arising from and by virtue of this Act the Sum of *Two Pounds Ten Shillings* per Centum, and no more.

Treasurer's allowance for receiving and paying Money under this Act.

VII. And be it further enacted, That all Monies arising from the Rates and Duties imposed by this Act shall be appropriated by Bill or Bills hereafter to be passed, and laid out in such manner as in and by the said Bill or Bills shall be directed and appointed; and if the Treasurer of this Island shall issue and pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the Sum of *Five Hundred Pounds*, and be rendered incapable of holding the said office of Treasurer; the said Forfeiture to be applied to and for the uses which shall be expressed in the said Bill or Bills, and to be recovered by Bill, Plaint, or Information, in His Majesty's Supreme Court of Judicature of this Island.

Monies arising from this Act to be appropriated by Bill hereafter to be passed.

Treasurer to forfeit 500*l.* if he pays any money received under this Act for any other purpose than shall be declared by said Bill, and be incapable of holding Office.

Mode of recovery of Fine.

VIII. And be it further enacted, That this Act shall continue and be in force until the Seventh day of May, in the year of our Lord One Thousand Eight Hundred and Thirty-three, and no longer.

Limitation of this Act.

CAP. XXI.

An Act to continue an Act made and passed in the First year of the Reign of His present Majesty, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors, imported into this Island.

Preamble.

Act of the 1st year of His present Majesty's reign, to continue an Act of the 11th year of King Geo. 4th continuing and amending the Act of the 10th year of King Geo. the 4th, imposing a duty on Wines, Gin, Brandy, Rum, &c. continued for 1 year from 7th May next.

WHEREAS it is deemed necessary to continue the Act hereinafter mentioned:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of His present Majesty's Reign, intituled, 'An Act to continue an Act 'made and passed in the Eleventh year of the late 'King, intituled An Act to continue and amend 'an Act made and passed in the Tenth year of the 'present King, imposing a duty on Wines, Gin, 'Brandy, Rum, and other Distilled Spirituous Li'quors'—be, and the same is hereby continued in force for *One Year* from the Seventh day of May next, and no longer.

CAP. XXII.

An Act to continue an Act made and passed in the First year of His present Majesty's Reign, imposing a Duty of Impost on Tobacco and Tea.

Preamble.

Act of the 1st year of the reign of His present Majesty, continuing an Act of the 11th year of King Geo. the 4th, imposing a duty on Tobacco and Tea. Continued for 1 year from 7th May next.

WHEREAS it is deemed necessary to continue the Act hereinafter mentioned:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the First year of His present Majesty's Reign, intituled 'An Act to continue an 'Act made and passed in the Eleventh year of the 'late King, intituled An Act to continue an Act 'imposing a Duty of Impost on Tobacco and Tea' —be, and the same is hereby continued in force for *One Year* from the Seventh day of May next, and no longer.

CAP. XXIII.

An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlotte-Town.

WHEREAS it is considered necessary to establish and fix the Salary to be paid to the person who may hold the said Office: **Preamble.**

Be it enacted, by the Lieutenant Governor, Council and Assembly, That there shall be paid to the person who may hold the Office of Collector of Impost and Excise for the District of Charlotte-Town, the sum of *Two Hundred and Sixty Pounds* per annum, in lieu of all per Centage, Fees, or Emoluments whatsoever; which said yearly Allowance or Salary shall commence and be computed from the first day of January last past. **260l. per annum to be paid to the Collector of Excise for the District of Charlotte-Town, in lieu of all per centage, fees, &c.** **to commence from 1st January last.**

CAP. XXIV.

An Act to provide Salaries for Sub-Collectors of Customs.

WHEREAS it is necessary and expedient to provide Salaries for such persons as may be appointed Sub-Collectors of His Majesty's Customs at the several Out-Ports of this Island, as hereinafter mentioned: **Preamble.**

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as the Commissioners of His Majesty's Customs shall commission a Justice of the Peace residing at or near to each or any of the following Out-Ports of this Island: that is to say—Three Rivers and Colville Bay, in King's County; and Princetown, Bedeque, and Cascumpec in Prince County, to act as Sub-Collectors of His Majesty's Customs, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the **So soon as the Commissioners of the Customs appoint Justices of the Peace residing at or near certain out ports,** **to act as Sub-Collectors,** **Lt. Governor, &c. in Coun-**

cil, to draw Warrants on the Treasury for the sum of 40*l.* yearly, for each, during the continuance of this Act.

Government for the time being, in Council, to draw Warrants on the Treasury for the sum of *Forty Pounds*, to be paid to each Collector so appointed and commissioned, yearly and every year during the continuance of this Act, and in case such Collector shall so long continue to discharge the duties of his Office.

Limitation of this Act.

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

CAP. XXV.

An Act to provide for the better Preservation of Public and Private Property at Georgetown against Accidents by Fire.

Preamble.

WHEREAS it will be necessary to provide for the preservation from Fire of the Jail and Court House, and other Public Buildings, to be erected in Georgetown: And whereas the same will be better effected by causing the Trees and Underwood to be removed from the site of the said Town, and Wells to be sunk and Pumps fixed in proper parts of the Town aforesaid: And whereas the best mode of obtaining this object will be by an Assessment upon the Proprietors of Lots in the said Town:

Lt. Governor, with advice of Council, to appoint 3 Justices of the Peace,

and four Inhabitants of Georgetown,

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, with the advice and consent of His Majesty's Council, to nominate and appoint Three Justices of the Peace living in the Town and neighbourhood of Georgetown, and Four of the Inhabitants of said Town, Five of whom shall be a Quorum, who shall on the first Monday in May next, at noon, assemble at some fixed place in said Town, and in each and every succeeding year during the

continuance of this Act, for the purpose of Assessing the Inhabitants and Landholders of Georgetown, in order to clear the Town Lots of Woods and Brush Wood, and for sinking Wells where deemed necessary.

to assess the Inhabitants & Landholders of said Town.

II. And be it further enacted, That the said Assessors, or the major part of them, at their first and subsequent annual Meetings respectively, shall be and they are hereby empowered to assess the Landholders and Inhabitants of Georgetown, in just and equal proportions, as near as may be, so as the sum assessed on each Town Lot shall not in any one year exceed the sum of *Six Shillings and Eightpence;* and the said Landholders and Inhabitants respectively shall pay the same within *Thirty Days* after such Assessment being made known by such person or persons as shall be appointed to collect and receive the same by the said Assessors, or the major part of them, by giving due notice in the Royal Gazette of such Assessment being made, and continued therein for a period not less than *three* successive Weeks.

Assessors, or the major part of them, to assess the Landholders and Inhabitants in equal proportions.

Sum assessed on each Town Lot not to exceed 6s. 8d.

Time of payment.

Mode of notification of Assessment.

III. And be it further enacted, That if the Owner or Owners of any Lot or Lots so assessed shall refuse or neglect to pay the amount of the said Assessment within the time hereinbefore mentioned, it shall and may be lawful for the said Assessors, or the major part of them, and they are hereby directed to award a Precept to the Collector so appointed, commanding him to take the Goods and Chattels of such delinquent Owner or Owners, if to be found on the Lot or Lots so assessed, and of the same to make Public Sale, to pay the said Assessment and Costs; and out of the produce of such Sale to pay into the hands of the said Assessors, or the Treasurer appointed by them, the amount of such Assessment: and if no Goods or Chattels of such delinquent Owner or Owners can be found on the respective Lots, then the said Collector is hereby directed to make Public Sale of such Lot or Lots so in arrear for the said Assessment, after giving *Six Months* public notice there-

Owners of Town Lots refusing or neglecting to pay Assessment,

Assessors may award a precept to their Collector to levy the same on Goods and Chattels of Delinquent.

Application of the same.

If no Goods or Chattels can be found, Collector to make sale of the Lot in arrear, first giving 6 months' notice of Sale.

of in the Royal Gazette Newspaper, and out of such Sale to pay into the Hands of the Assessors, or the Treasurer appointed by them, the amount of such Assessment; and if any amount remains in the hands of the said Collector after paying the sum so assessed, together with the amount of expenses incurred for advertising and selling the same, any such balance or difference shall be paid to the Owner or Owners of the Lot or Lots so assessed and sold; and the said Collector is hereby authorized and directed to make and execute a Deed to the purchaser or purchasers, at his, her, or their expense, of such Lot or Lots, which Deed, when so executed and registered, together with the precept authorizing the sale of such Lot or Lots, shall be held a good and sufficient Title against the original holder or holders thereof, subject only to the conditions of the original grant.

Proceeds to be paid to Assessors, or Treasurer appointed by them. Overplus (after paying Tax and Costs,) if any, to be paid to the owner of Lot.

Collector to execute a Deed to purchaser.

IV. Provided always, and be it further enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs or Assigns, for the space of *Two Years* next after the sale of such Lot or Lots—the purchaser accounting to the former Owner for the Rents, Issues and Profits, and the former Owner repaying the purchase money, and lawful Interest thereon, and allowing for such improvements as shall or may be made thereon—the same to be ascertained by the Judgment of the said Assessors, or the major part of them, not being parties interested.

Proviso. Lot so sold may be redeemed within 2 years on re-payment of purchase money and Interest, and the value of Improvements made thereon.

Mode of ascertaining value of Improvements.

V. And be it further enacted, That the said Assessors, or the major part of them, are hereby empowered and required at such their Meetings to appoint fit and proper persons to be Treasurer and Collector of the fund contemplated to be raised in pursuance of this Act, taking sufficient security for the due performance of the duties of such Offices, and at their pleasure to displace either or both of such Officers and to appoint others, in case of misbehaviour, and to allow the said Collector

Assessors empowered to appoint a Treasurer and Collector, and to take security from them for the due performance of their duties, and also to displace them and appoint others in their place.

and Treasurer respectively such poundage as the said Assessors, or the major part of them, shall direct.

Remuneration to Treasurer and Collector.

VI. And be it further enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said Monies so received by him as hereinbefore directed, within *Two Months* after the receipt thereof, the said Collector shall forfeit and pay to His Majesty a Fine not exceeding *Five pounds*—to be recovered before any one of His Majesty's Justices of the Peace for King's County, and applied to and for the purposes hereinbefore expressed; and such Collector shall also be liable to account for and pay over the amount he may have received under and by virtue of this Act.

Collector to pay over Money within 2 months after receipt, under a Penalty of 5*l*.

Mode of recovery of Penalty.

Collector also liable to pay the Sum by him received.

VII. And be it further enacted, That if any of the said Assessors, Collector or Treasurer, shall refuse to serve in their respective Offices, such person so refusing shall forfeit and pay a Fine not exceeding *Two pounds*—to be recovered before any one of His Majesty's Justices of the Peace, and paid to the Treasurer accepting the Office, in aid of sinking Wells where deemed most necessary in said Town.

Any Assessor, Collector or Treasurer, refusing to serve, to forfeit 2*l*.

Mode of recovery of Fine.

VIII. And be it further enacted, That the said Assessors, at their Annual Meetings, shall direct the Trees and Underwoods to be removed from the site of the said Town, and the sinking of Wells, procuring Pumps, and fixing and repairing others where deemed most necessary in the aforementioned Town, as far as their funds will admit of.

Duty of Assessors.

IX. And be it further enacted, That this Act shall continue and be in full force for and during the space of *Three Years*, and no longer.

Limitation of this Act.

CAP. XXVI.

An Act to provide for the Conveyance of the Mails between Charlotte-Town and Pictou by Steam Vessel.

Preamble.

WHEREAS it is considered desirable that the Mails should be conveyed between Charlotte-Town and Pictou by a Steam Vessel:

Lt. Governor, with advice of Council, to contract for the conveyance of Mails between Charlotte-Town and Pictou, in Nova Scotia, by a Steam Boat,

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, shall contract for the Conveyance of the Mails between Charlotte-Town in this Island and Pictou in the Province of Nova Scotia, from the opening of the Navigation in the Spring till the closing thereof in each year, by a good and sufficient Steam Vessel, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to pay or cause to be paid out of the Public Treasury of this Island to the Person so contracting as aforesaid, the sum of *Three Hundred pounds* per annum.

and may pay out of the Treasury to the Person contracting 300*l.* per annum.

Proviso. The said sum not to be paid if Person contracting receives any sum from the Post Office revenue in this Island, or Post Office Revenue in Nova Scotia, in any manner to diminish the present Revenue of this Island.

II. Provided always, and be it further enacted, That the said Sum of *Three Hundred pounds* per annum shall not be paid if the person so contracting shall be allowed or paid any sum or sums of money either by the Post Office of this Island or by the Post Office of Nova Scotia, if the same shall in any manner affect or reduce the Revenue of this Island as at present collected.

Contractor to find good security for the performance of contract. Boat to be at Pictou to receive the Mail weekly, and to proceed

III. And be it further enacted, That the said Contractor shall enter into good and sufficient security for the performance of such Contract; and shall be bound to cause such Steam Vessel to be at Pictou and ready to receive the Mail weekly, during the period hereinbefore mentioned, on its arrival there from Halifax; and immediately on

receiving the same, to proceed therewith to Charlotte-Town, and from thence to Miramichi, calling at Charlotte-Town on her return, for the purpose of taking and carrying the return Mail to Pictou.

therefrom to Charlotte-Town, thence to Miramichi, calling at Charlotte-Town for the return mail to Pictou.

IV. And be it further enacted, That this Act shall be and continue in force for and during the space of *Five Years* from the passing hereof, and no longer.

Limitation of this Act.

CAP. XXVII.

An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One Thousand Eight Hundred and Thirty-two.

May it please Your Excellency,

WE His Majesty's dutiful and loyal Subjects the House of Assembly of His Majesty's Island Prince Edward, towards appropriating the supplies granted to His Majesty by the General Assembly in this present Session, and for supplying the Exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and—

Preamble.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Monies as from time to time shall be and remain in the Public Treasury of this Island, arising from the said supplies, there shall be paid—

The Sum of *Five Hundred and Ninety pounds* for the Encouragement and Support of Schools, in the proportions and manner specified in an Act intituled 'An Act for the Establishment and Support of Schools, and to repeal the Acts heretofore 'passed for that purpose.'

590*l.* for the encouragement and support of Schools.

And a further Sum of *Two Hundred and Sixty pounds,* to be placed at the disposal of the Lieutenant Governor, to defray the Salary of the Collector of Impost and Excise for the District of Charlotte-Town, for the present year, agreeably to an Act passed in the present Session, intituled

260*l.* for the Salary of the Collector of Excise for the District of Charlotte-Town, for the present year.

'An Act to regulate the Salary of the Collector of 'Impost and Excise for the District of Charlotte-'Town.'

1000*l.* for the contingent expenses of the Government.

And a further Sum of *One Thousand pounds* to defray the Contingent Expenses of the Government for the present year, to be drawn for, from time to time, by Warrant of His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council.

300*l.* to the Lt. Governor.

And a further Sum of *Three Hundred pounds* to His Excellency the Lieutenant Governor.

200*l.* for the Salaries of Sub-Collectors of Customs.

And a further Sum of *Two Hundred pounds*, to be placed at the disposal of the Lieutenant Governor, to pay the Salaries of Sub-Collectors of Customs, should the same be required, for the present year, agreeably to an Act of the present Session, intituled 'An Act to provide Salaries for Sub-Col-'lectors of Customs.'

80*l.* towards the erection of a Bridge over Campbell's Pond.

And a further Sum of *Eighty pounds*, to be placed at the disposal of the Lieutenant Governor, to be applied towards the erection of a Bridge over Campbell's Pond, on the new line of Road between New London and Princetown.

150*l.* for rent of Government House.

And a further Sum of *One Hundred and Fifty pounds*, to be placed at the disposal of His Majesty's Council, to defray one year's Rent of Government House.

55*l.* towards completing Poplar Island Bridge.

And a further Sum of *Fifty-five pounds*, to be placed at the disposal of the Lieutenant Governor, to be applied towards completing the Poplar Island Bridge, in the most direct line to the end of the Royalty Road.

80*l.* for opening a Road from New Settlement, on Anderson's Road, to Poplar Island Bridge.

And a further Sum of *Eighty pounds* to be placed at the disposal of the Lieutenant Governor, to be applied in opening a Road from the New Settlement on Anderson's Road to Poplar Island Bridge.

A sum sufficient to purchase a Bill on England for 100*l.* sterling, for Colony Agent.

And a further Sum sufficient to purchase a Bill of *One Hundred pounds*, Sterling, for John Bainbridge, Esquire, Colony Agent, for his services as such, for the past year.

And a further Sum of *Thirty-six pounds*, to be placed at the disposal of the Board of Education, to be paid to deserving French Teachers in the Acadian French Settlements, in such proportions as the said Board may think proper, in Sums not exceeding *Six pounds*.

36*l.* for Acadian French Teachers.

And a further Sum of *Eight Pounds*, to be placed at the disposal of the Lieutenant Governor, to be applied in repairing Princetown Wharf.

8*l.* for repair of Princetown Wharf.

And a further Sum of *Fifteen pounds*, to be paid in half-yearly payments, to James Gibson, late Wharfinger.

15*l.* for James Gibson, late Wharfinger.

And a further Sum of *One Hundred and Fifty pounds* to be placed at the disposal of the Lieutenant Governor, for the repairs of Wilmot Creek Bridge.

150*l.* for repair of Wilmot Creek Bridge.

And a further Sum of *Fifty pounds* to be placed at the disposal of the Lieutenant Governor, to be applied, if necessary, for the care and safe keeping of Insane persons during the present year.

50*l.* for safe keeping of lunatics.

And a further Sum of *Fifty pounds*, to be placed at the disposal of the Lieutenant Governor, in addition to the Sum of *Seventy-one pounds* already granted, to be applied in rounding up that part of the Western Road called the Quagmire, at the head of Ellis River.

50*l.* for rounding up Quagmire on Western road. head of Ellis River.

And a further Sum of *One Hundred and Forty pounds*, to be placed at the disposal of the Lieutenant Governor, for paying the Salaries of the Commissioners of Highways, for the present year.

140*l.* for Salaries of Commissioners of Highways.

And a further Sum of *Fifty pounds*, to be placed at the disposal of the Lieutenant Governor, to be applied in extending and covering the Georgetown Wharf.

50*l.* for extending Georgetown Wharf.

And a further sum of *Ten pounds*, to be placed at the disposal of the Lieutenant Governor, in addition to *Twenty pounds* already granted to repair the Midgell Bridge, and to lower the Hill on the Eastern side thereof.

10*l.* for repair of Midgell Bridge.

And a further Sum of *Three Hundred pounds*, to be placed at the disposal of the Lieutenant Governor, for defraying the expense of carrying the Mails

300*l.* for Steam Boat to be employed in carrying the Mails.

between Charlotte-Town and Pictou, by means of a Steam Vessel, agreeably to an Act of the present General Assembly passed for that purpose.

150*l.* for Central Agricultural Society.

And a further Sum of *One Hundred and Fifty pounds*, to be paid to the Central Agricultural Society, for the importation of Seeds.

25*l.* to each of the District Agricultural Societies, in King's and Prince Counties.

And a further Sum of *Twenty-five pounds* to each of the District Agricultural Societies in King's and Prince Counties, in aid of these Institutions, for the Importation of Seeds or Agricultural Implements, provided the number of such Societies shall not exceed two in each County.

A sum sufficient to purchase a Bill on England for 20*l.* sterling, in aid of the North American Association.

And a further Sum, sufficient to purchase a Bill of *Twenty pounds* Sterling, to be placed at the disposal of the Committee of Correspondence with the Colony Agent, to be applied in aid of the Funds of the North American Association, if the same should be required by the Colony Agent.

10*l* to James Breading, a Schoolmaster.

And a further Sum of *Ten pounds*, to be placed at the disposal of the Lieutenant Governor, to be paid to James Breading, Teacher of the National School, in case he should continue in that office for the present year.

18*l.* for the support of William Purcell, a blind person.

And a further Sum of *Eighteen pounds*, to be placed at the disposal of the Lieutenant Governor, to be applied for the support of William Purcell, a blind person.

20*l.* to Richard Chappell, Postmaster.

And a further Sum of *Twenty pounds*, to be paid to Richard Chappell, Postmaster, for conducting the Inland Mails.

50*l.* to the Speaker of the House of Assembly.

And a further Sum of *Fifty pounds* to the Speaker of the House of Assembly, for his services during this present Session.

80*l.* to the Commissioners appointed to report on the Laws.

And a further Sum of *Eighty pounds*, to be placed at the disposal of the Lieutenant Governor, to be paid to the Commissioners appointed to examine and report on the Laws.

89*l.* 3*s.* 10½*d.* to defray the expense of Witnesses examined on the late Election for King's County.

And a further Sum of *Eighty-nine pounds three shillings and ten pence half-penny*, to the Clerk of the House of Assembly, to be applied in defraying, the expenses of the late King's County Election

agreeably to the items specified in the Report of the Special Committee of the House of Assembly.

And a further Sum of *One Hundred pounds*, to be placed at the disposal of the Lieutenant Governor, for the Incidental repairs of Roads and Bridges for the present year.

100*l.* for incidental repairs of Roads and Bridges.

And a further Sum of *Fifteen Hundred pounds*, to be at the disposal of the Lieutenant Governor in Council, to be applied and expended for the service of Roads and Bridges for the present year, agreeably to the Report of the Committee on Roads and Bridges.

1500*l.* for service of Roads and Bridges for the present year.

And a further Sum of *Fifty pounds*, to be at the disposal of the Lieutenant Governor, and paid to the Person who may be appointed by His Excellency to correspond with the Road Commissioners for the present year.

50*l.* to such Person as may be appointed by the Lt. Governor to correspond with Road Commissioners.

CAP. XXVIII.

An Act to provide for the Contingent Expenses of the present Session.

WHEREAS it is expedient and necessary to provide for the Contingent Expenses of the present Session:

Preamble.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Monies as from time to time shall be and remain in the Public Treasury of this Island, arising from the Supplies granted to His Majesty in this Session, there shall be paid to

The Reverend Louis Charles Jenkins, for his services as Chaplain during the present Session, the Sum of *Twenty Pounds*.

20*l.* to the Rev. L. C. Jenkins, Chaplain of the House of Assembly.

To each of the Members of the House of Assembly (the Speaker excepted, he being already provided for), the Sum of *Twenty-five Pounds*, as an allowance to indemnify them for their necessary expenses incurred whilst attending at the present Session—deducting from the said Twen-

25*l.* to each of the Members of the House of Assembly.

ty-five Pounds to each Member the Sum of *Ten Shillings* per day for every day any of them have been absent from business during the present Session—the same to be determined by the Certificate of the Speaker of the House of Assembly.

203*l.* 6*s.* 3*d.* to the Clerk of the House of Assembly.

To Mr. William Cullen, Clerk to the House of Assembly, for his services as such, and for other services, per his Account, also for articles by him provided for the use of the House of Assembly, from the commencement of this Session to the Thirty-first day of March, Eighteen Hundred and Thirty-two, inclusive, the Sum of *Two Hundred and Three Pounds Six Shillings and Threepence.*

88*l.* 2*s.* 5*d.* to the Printer to the House of Assembly.

To Mr. James Douglas Haszard, Printer to the House of Assembly, for amount of his Account to the date last mentioned, the Sum of *Eighty-eight Pounds Two Shillings and Fivepence.*

40*l.* 17*s.* 8*d.* to the Sergeant at Arms of the House of Assembly.

To Mr. John Robinson, Sergeant at Arms, for his attendance as such during the present Session, up to the date last mentioned, and also for his small Disbursements' Account to that date, the Sum of *Forty Pounds Seventeen Shillings and Eightpence.*

19*l.* 10*s.* to the Messenger of the House of Assembly.

To Mr. George Mabey, Messenger, for his services as such to the last mentioned date, the Sum of *Nineteen Pounds and Ten Shillings.*

20*l.* 5*s.* to the Doorkeeper of the House of Assembly.

To Mr. William Birch, Door-keeper, for his services as such to the date last mentioned, including some small disbursements, the Sum of *Twenty pounds and Five Shillings.*

Anno Tertio Regis Guilielmi IV.

At the General Assembly of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Third Day of February, Anno Domini One Thousand Eight Hundred and Thirty-one, and in the First Year of the Reign of our Sovereign Lord WILLIAM the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and thence continued, by several Prorogations, unto the Second Day of January, One Thousand Eight Hundred and Thirty-three, and in the Third Year of His said Majesty's Reign, being the Third Session of the Thirteenth General Assembly convened in the said Island.

1833.

A. W. YOUNG, Lt. Governor.

E. J. JARVIS. President of Council.

WM. M'NEIL, Speaker.

CAP. I.

An Act to repeal two certain Acts therein mentioned for the regulation of Statute Labour.

[Passed, March 13th, 1833.]

Repeals Act of the 35th year of King Geo. the 3d, to alter and amend the High Road Laws; and an Act of the 1st year of the reign of His present Majesty, for the further regulation of Statute Labour.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the reign of His late Majesty King George the Third, intituled 'An Act to alter and amend the High Road Laws,' —and an Act made and passed in the First year of His present Majesty's Reign, intituled 'An Act 'for the further regulation of Statute Labour, and 'to amend and continue two certain Acts therein 'mentioned,'—be, and the same are hereby respectively repealed.

CAP. II.

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

[Passed, March 13th, 1833.]

Lt. Governor, &c. with the advice of Council, may appoint a Commissioner of Highways in each District named in the Schedule annexed. Commissioners to name Overseers, and to receive from them returns of their doings; and to make a yearly Return to Lt. Governor, &c. in

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint a Commissioner of Highways resident in each of the Districts named in the Schedule hereunto annexed, whose business it shall be to appoint Overseers of Statute Labour annually, and to direct such Overseers where and when such Statute Labour shall be performed, and to receive from such Overseers Returns of their doings, in manner hereinafter directed, and to make an yearly Return to the Lieutenant Governor, or other Administrator of the Government, in

Council, of all their actings and doings relative to the performance of Statute Labour within the District to which such Commissioner shall or may be appointed.

Council, of Statute Labour within their Districts

II. And be it further enacted, That every Male person between the ages of Sixteen and Sixty years shall, when appointed or required thereto, either by himself or some sufficient substitute, and provided with such necessary implement or implements as may be directed by the Overseer of the Precinct, work for the space of Four days, or Thirty-two Hours, in every year on the Highways, Streets or Bridges.

All male persons between 16 and 60 years of age, with such implements as may be directed by Overseer, to work on Highways, &c. 32 hours in each year.

III. And be it further enacted, That every such male Person as aforesaid, possessing a Horse and Cart, or possessing a Cart and two Horses, or possessing two working Oxen and a Cart, or possessing one Horse or two Horses, or two working Oxen without a Cart, shall each of them respectively, if so directed by the Overseer of the Precinct within which he resides, bring out or send such Horse or Horses, or such Oxen or Carts, accompanied by one able bodied man, for Three Days in every year, to work on the Highways, Streets or Bridges of the Precinct wherein such male persons as aforesaid shall reside—eight hours being allowed to complete each day's work.

Male persons possessing a horse and cart, or cart and 2 horses, or 2 working oxen and a cart, or 1 horse or 2 horses without a cart, if directed by Overseer, to send such horse or horses, oxen or carts, with one man, to work for 3 days in each year on Highways, &c. eight hours being allowed for each day's work.

Provided always, That nothing herein contained shall extend, or be construed to extend, to render liable to Statute Labour any person whomsoever who shall not have been, at the time of appointing the Overseers, a Resident of this Island for at least Six Calendar Months.

Proviso. Not to render liable to Statute Labour any person who has not been resident for six months within this Island at the time of the appointment of Overseers.

And provided also, That when, in the opinion of the Overseer, the Labour of Men will be more useful than that of Cattle, all persons liable to send two Horses, or two working Oxen, with or without a Cart as aforesaid, shall, instead thereof, send two Men for Three days, or one man for Six days, or Forty-eight hours, to labour on the Roads, which said Labour shall complete their yearly Statute Labour; and a person owning one Horse,

If Overseer shall see fit, he may instead of horses, &c. call upon the possessor of 2 horses or 2 oxen, to send 2 men to labour for 3 days or 1 man for 6 days,

and persons owning 1 horse to labour 5 days.

with or without a Cart, shall in such case work, or cause to be worked, Five days labour, or Forty hours.

Persons liable to Statute Labour, but absent from the Island, or not attending to perform the same, to forfeit 4d. for each hour's neglect.

IV. And be it further enacted, That all persons liable to Statute Labour, but absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the satisfaction of the respective Overseers, shall forfeit Four-pence for every hour's neglect; and any one of His Majesty's Justices of the Peace, nearest to the residence of such Overseer, is hereby empowered and required, on complaint made to him by the said Overseer of the Highways, or any of them, to summon the persons so neglecting to appear before him, to hear and determine the case, and which summons so to be issued shall be under the hand and seal of the said Justice, in the words following:—

Mode of recovery of fine.

Form of Summons for recovery of fine.

" County.
" Esq. one of His Majesty's
" Justices of the Peace for the said County.
" You are hereby required personally to be and
" appear before me at the Dwelling House of
" (as the case may be) on the
" day of next, at the hour of
" o'clock of the same day, then and there to an-
" swer wherefor you did not perform your Labour
" on according to the tenor of the Act
" of the General Assembly, in such case made and
" provided, and according to the warning you have
" received in that behalf as is said.
" Given under my Hand and Seal the
" day of ."

Mode of recovery of fine.

And upon proof being made of such person's non-appearance, refusal or neglect, the said Justice or Justices shall cause the said forfeiture to be levied, together with the expenses of levying, by Warrant of Distress and sale of the Offender's Goods and Chattels—and if no Goods and Chattels can be found whereon to levy, then the Offender shall suffer Imprisonment, for a period not exceeding Forty nor less than Eight days—and the Money so

levied shall immediately be put into the hands of such Overseer as shall have prosecuted for the same, to be by him applied for and towards the repairs of the Highways within his Precinct, in such manner as the Commissioner thereof shall and may direct.

Appropriation of fine.

V. And be it further enacted, That each Commissioner, so appointed as aforesaid, shall, on or before the First day of May in each year, nominate and appoint such number of Overseers within his District as to such Commissioner shall appear to be for the public good, and shall prescribe to each Overseer the limits and boundaries of the Precinct within which such Overseer shall have authority, and Roads and parts of Roads, or the Bridges, where the Statute Labour shall be wrought, and where the Money received in commutation thereof shall be laid out and expended. And each Overseer shall, immediately after notification and acceptance of his appointment, give notice to the Inhabitants of his Precinct of his appointment, by causing a Notice to be posted up in the most public place of such Precinct, to the end that such Inhabitants may know to whom to commute the payment of their Statute Labour, in terms of this Act.

Commissioner shall appoint Overseers on or before the 1st day of May in each year, and in such number as to him shall appear necessary for the public good; and shall limit Overseer's precinct wherein Labour shall be wrought and commutation money expended.

Overseer immediately after appointment to notify the same by posting notices in the most public places of his District.

VI. And be it further enacted, That it shall and may be lawful for the Commissioner of each District, whenever he may think it expedient and necessary, to appoint some Person or Persons contigious to the Bays and Rivers that may be in such District, for the purpose of fixing Bushes in the Ice on the best track generally used by Travellers, as early in Winter as the Ice may become passable; and the Commissioner is hereby required to notify the Overseers of the different Precincts of the persons so appointed; and on such Persons so appointed performing the requisite duty, they are hereby declared to be liable to no other Statute Labour during that year, any Law to the contrary notwithstanding.

Commissioners to appoint persons contigious to the Bays and Rivers to mark winter roads on the Ice,

and to notify the Overseers of the different Precincts of such appointments.

Persons performing this duty not liable to perform any other Statute Labour.

VII. And be it further enacted, That the said

Overseer to give ten day's notice to the Inhabitants of Precinct

Overseers of the Highways shall, and they are hereby empowered and required, in pursuance of the orders they shall or may receive from time to time from the Commissioner of the District, to summon the Inhabitants residing within their respective Precincts, giving them at least Ten Days' notice of the time and place when and where they intend to employ them, and they shall direct and order the persons so summoned to labour in making or repairing the Highways, Streets or Bridges, in the most effectual and advantageous manner, for and during the number of days appointed by this Act for such service or labour—they, the said Overseers, being hereby exempted and excused from any other labour and service on or relative to the Highways, than the issuing the Summons, ordering and overseeing the performance of the Statute Labour within their respective Districts, and making out and returning within the time limited by the orders they receive from the Commissioner of the District as aforesaid, exact and true Reports of their doings on the Highways, such Reports always containing lists of Absentees, and accounts of the Fines levied in consequence of such absence, and of the Money received in commutation of Labour, but without being entitled to wages or any other gratuity for their services—and if any Person liable to Statute Labour as aforesaid shall refuse to accept of the office of Overseer, then he shall be liable to a fine of Two Pounds, to be recovered by the Commissioner before any Justice of the Peace within his District, or nearest thereto, in way and manner provided in the Fifth Section of this Act; and on any Overseer failing or neglecting to perform all or any of the duties herein pointed out to be done by him, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered in way and manner mentioned in the Fifth Section of this Act, and to be applied in repairing or improving the Highways within the Precinct of such Overseer.

where and when the labour is to be performed.

Overseer exempted from any other labour than the duties imposed by this Act.

Persons refusing to accept the office of Overseer to forfeit 5*l.*

Mode of recovery of fine.

Overseer failing in his duty, to forfeit 5*l.*

Mode of recovery of fine.

Appropriation of fine.

VIII. And be it further enacted, That no Overseer shall have power or authority to compel any person to work his Statute Labour at a distance exceeding Five Miles from the place of such Person's residence.

No person to be compelled to work more than 5 miles from his place of residence.

IX. And be it further enacted, That each Overseer of Highways in this Island is hereby required and directed, at the expiration of Two Months from the time of performing Statute Labour within his precinct, to account with the Commissioner of the District within which such Overseer shall reside, for his conduct in the execution of his trust as Overseer, and to report to him in writing, and upon Oath, if so required, the work and Labour really done and performed, and the application, accompanied with the proper vouchers of discharge, of the Fines and Forfeitures incurred, whether levied, or if in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account for all Monies received in commutation of Labour, and the application of the same, and pay whatever may remain unexpended to the said Commissioner.

Overseer two months after performance of Statute Labour to account with Commissioner, and to report to him in writing the work done, and application of fines, and Commutation money and to pay over any sums unexpended to Commissioner.

X. And be it further enacted, That from and after the passing of this Act, the whole of the Statute Labour of this Island shall be performed between the first and last days of July, annually; each Overseer to advertise the Inhabitants to perform the Statute Labour in any six days within the month of July which in his discretion he may judge most convenient to the Inhabitants of the Precinct; the Summons to be by Advertisements, (not less than Three) to be posted in the most public places of the Precinct of such Overseer at least Ten days before the period of performing such Labour, which is to be held a sufficient warning.

All Labour to be performed in July.

Overseer may choose any 6 days within the month of July.

Summons to labour to be by advertisement in three public places of Precinct.

XI. Provided always, and be it further enacted, That it shall and may be lawful for the Commissioner to be appointed for District Number Seven to direct that the Statute Labour of such

Proviso.

Commissioner for District No. 7, to direct Statute

Labour of Inhabitants of Charlotte-Town, to be performed between 20th May and 20th June annually.

of the Inhabitants of Charlotte-Town as shall be required to perform their Statute Labour upon the Streets or Squares of the said Town, shall be performed between the Twentieth day of May and the Twentieth day of June, annually.

Persons may commute Labour for money. Time of commutation, and rate of same.

XII. And be it further enacted, That all persons liable to Statute Labour as aforesaid shall have the option, instead of such Labour, to pay annually, on or before the First day of June, to the Overseer of the Precinct wherein he resides, the sums of Money following, that is to say—the possessor of two Horses, or two Oxen and a Cart, or two Horses or two Oxen without a Cart, the sum of Ten Shillings; the possessor of one Horse with or without a Cart, the sum of Eight Shillings; and persons owning neither a Horse nor a pair of Oxen, the sum of Five Shillings.

Commissioner to expend money in his District as he sees fit, and within 4 months after performance of labour account with Lt. Governor in Council for monies received and their application. and make a report of all his doings as Commissioner.

XIII. And be it further enacted, That each Commissioner shall expend the Money paid to him under the preceding Section of this Act on the Highways within his District, in such way and manner as shall appear to him most conducive to the public interest; and shall, within Four Months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor in Council an exact account of all Monies received by him as Commissioner aforesaid, and of the application thereof, and shall at the same time make a full and distinct Report of all his actings and doings as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labour, and subsequent thereto; and until such Account and Report shall be given in, such Commissioner shall not be entitled to receive any Salary or recompence whatever for such services.

And until such account and report be given to receive no salary.

Commissioner when directed, to lay out all monies appropriated

XIV. And be it further enacted, That when any Commissioner, or other Person or Persons who may be appointed under the provisions of this Act, shall be directed by the Lieutenant Governor, or other Administrator of the Government, to lay out and expend the Public Monies appropriated for

the making and repairing of Roads and Bridges, such Commissioner, or other Person or Persons, shall, and they are hereby required and directed to cause Advertisements to be inserted in the Royal Gazette, and shall also cause similar Advertisements to be posted up in the vicinity of the place or places where such work is to be performed, giving one Month's notice thereof, that on the day and hour named in such Advertisement, will be sold or let to the lowest bidder on the spot where such work is to be performed, or to the Person or Persons who shall make the lowest Tender for the same, the Roads or Bridges named in such Advertisement. And the said Commissioner, or other Person or Persons so appointed as aforesaid, are hereby directed to let all such Roads and Bridges on the best and lowest terms, taking good and sufficient Security or Securities for the faithful performance of every Contract or Contracts so entered into or made; and the Commissioner, or other Person or Persons so authorized as aforesaid, shall be allowed and paid for such services the sum of Two Pounds Ten Shillings per Centum upon the amount so laid out and expended as aforesaid.

for making and repairing Roads, &c.

Advertisements to be inserted in Royal Gazette, and to be posted up in the vicinity of the place where money is to be expended, giving notice that work will be let to lowest bidder, or to lowest tender.

Commissioner to let all such Roads, &c.

taking security for the performance of the contract.

Remuneration to Commissioner for expenditure of monies.

XV. And be it further enacted, That the Money so directed to be expended as aforesaid shall be paid by direction of the Lieutenant Governor, or other Administrator of the Government, to the Person or Persons entitled to receive the same, on the Certificate of the Commissioner, or other person appointed to expend such Money, that the work has been performed, or partly performed, as the case may be, according to the Contract so made and entered into.

Monies to be paid to Contractor by direction of Lt. Governor on certificate of Commissioner.

XVI. And be it further enacted, That it shall and may be in the power of each Overseer of a Precinct, or Commissioner of a District, to order the removal of any obstruction or nuisance in the Highways within his Precinct or District, and on a summary complaint to any one of His Majesty's Justices of the Peace, to recover from the Person or Persons causing such obstruction or nuisance the

Power of Overseer or Commissioner to order removal of nuisances.

Persons causing nuisance may be fined by any one Justice of the

Peace, in a sum not exceeding 5l.

Mode of recovery of fine.

expense incurred in removing the same, provided the same shall not exceed Five Pounds—to be levied, together with reasonable Costs, by Warrant of Distress, in way and manner pointed out in the Fifth Section of this Act.

Lt. Governor, &c. in Council to cause 10l. to be paid to each Commissioner yearly, over and above his commission on monies expended by him.

XVII. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, with the advice and consent of His Majesty's Council, to cause to be paid out of the Monies in the Public Treasury raised for the purposes of Highways and Bridges, to each Commissioner, annually, for his services in the execution of this Act, a sum of Money not exceeding Ten Pounds, over and above the Commission or Per Centage to which he may be otherwise entitled, and directed to be paid as aforesaid.

No person compelled to serve as Overseer more than once in 3 years.

XVIII. And be it further enacted, That no Person shall be compelled to serve the office of Overseer more than once in every three years; but if any Person shall accept such office more than once within such period, then he shall be liable to all the rules, regulations, and duties of that office as prescribed in this Act.

Preamble.

XIX. And whereas the obstruction of the Roads by heavy falls and drifts of Snow during Winter has frequently occasioned serious interruption to the trade, intercourse, and judicial proceedings of the Colony, and hindered the Farmers from taking their produce to Market—For remedy whereof:

Overseers of Highways may in winter summon Inhabitants to work with Teams, &c. breaking roads—

Be it further enacted, That the Overseers of Highways, by direction of the Commissioners, shall have power and authority, and they are hereby required, during the Winter season, to summon so many of the Inhabitants in their respective Precincts as they in their discretion shall think fit, to work at the time and place appointed, on the Highways or Public Winter Roads, by breaking Roads in the Snow, with their Horses, Oxen, or Teams, if possessed thereof, or with such implements as the Overseer may deem requisite, whenever the depth of the snow shall render the same

necessary, not exceeding Three days in each Winter, and at no greater distance than Three Miles from their own houses; and such Inhabitants shall perform the same work over and above that which such Inhabitants are liable to perform upon the Highways, Roads and Bridges, in and by this Act; and each and every Person neglecting or refusing to turn out with his Team or Teams, or with such Implements as may be directed by the Overseer or Commissioner of any Precinct or District, shall be liable to a fine of Five Shillings for every such neglect or refusal, to be recovered in way and manner prescribed by this Act.

Not more than three days in each winter or more than 3 miles from their homes, the same to be over and above such other labour as is required by this Act. And in case of refusal to be liable to a fine of 5s. for each offence.

XX. And be it further enacted, That if any Person or Persons shall hereafter place any Timber, Wood, Stones, or other weighty Article or Articles, upon any Bridge or Bridges within this Island, or shall fasten any Vessel or Vessels thereto, or shall in any other way injure any such Bridge or Bridges, he or they shall pay a fine not exceeding Five Pounds for every such offence, to be recovered as herein before directed, over and above any damage done to any such Bridge or Bridges, when the same shall exceed Five Pounds.

Persons placing any Timber, Stones, &c. on any Bridge, or fastening any Vessel thereto, or injuring same in any way, to forfeit 5l.

Mode of recovery of fine.

XXI. And be it further enacted, That from and after the passing of this Act every Highway in this Island shall be of the width of Sixty feet; and that no Occupier of ground adjoining the Highways, or any other Person, shall encroach thereon, by Fencing or otherwise, under a penalty not exceeding Twenty Shillings for each and every encroachment, to be recovered as herein before directed.

Every Highway to be 60 feet wide.

Persons encroaching thereon to forfeit 1l. for each offence.

Mode of recovery of fine.

Provided always, That nothing herein contained shall extend, or be construed to extend, to alter the width of such Roads in the different Royalties as have been already established at Forty feet, but that the same penalties for encroachment shall be applied and extended to the said Roads of Forty feet in width.

Proviso.

Royalty Roads already laid off at 40 feet so to remain.

XXII. And be it further enacted, That it shall and may be lawful for the Commissioner of any District to commute as much of the Statute La-

Commissioner of any District may commute Statute Labour

for an equal quantity of labour to be performed in Winter.

bour as he may deem expedient, for an equal quantity of value of Labour to be performed in the Winter season, in procuring and hauling Timber for the building or repairing of Bridges.

In case of death &c. of Overseer, Commissioner may appoint another in his stead.

XXIII. And be it further enacted, That in case of the death or absence from his District of any Overseer or Overseers when appointed under this Act, it shall and may be lawful for the Commissioner within such District to appoint some other Person or Persons to perform the duties of such deceased or absent Overseer or Overseers, at any time before the time limited for the performance of such Statute Labour as before directed.

Commissioner neglecting or refusing to expend money under this Act, after signifying his assent so to do,

to forfeit 5*l*.

Mode of recovery of fine.

XXIV. And be it further enacted, That if any Commissioner or other Person appointed to expend money under or by virtue of this Act shall, after signifying his acceptance of said office, neglect or refuse to carry the provisions of the same into effect, so far as they are imposed on him by virtue of his said office, he shall, for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace, on the Oath of one or more credible Witness or Witnesses, and applied as directed by the next Section of this Act.

Appropriation of fines not herein before appropriated.

XXV. And be it further enacted, That all Fines and Forfeitures arising under and by virtue of this Act, the application of which is not herein before directed, shall be paid into His Majesty's Treasury, to be expended on the Roads and Bridges in the Precinct or District in which the Forfeiture or Forfeitures may have been incurred.

Schedule.

DISTRICTS. SCHEDULE.

NUMBERS.

1. *Townships* Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, *and* 12.
2. Nos. 13, 14, 15, 16, *and* 17.
3. Nos. 18, 19, *and Princetown Royalty.*
4. Nos. 25, 26, 27, *and* 28.
5. Nos. 20, 21, 22, 23, 24, *and* 67.
6. Nos. 29, 30, 31, 32 [*West side of York River, and* 65.]

7. Nos. 33, 32, [*East side of York River, and Charlotte-Town and Royalty.*]
8. Nos. 34, 35, [*North side of the Hillsborough,*] 36, and 37.
9. Nos. 48, 49, 50, *and* 35, [*South side of the Hillsborough.*]
10. Nos. 57, 58, 60, *and* 62.
11. Nos. 38, 39, 40, *and* 41.
12. Nos. 42, 43, 56, *and* 55, [*North of Grand River.*]
13. Nos. 44, 45, 46, *and* 47.
14. Nos. 55, [*South of Grand River,*] 54, 53, 52, 66, 51, *and Georgetown and Royalty.*
15. Nos. 59, 61, 63, *and* 64.

CAP. III.

An Act to revive and continue an Act to prevent the running at large of SHEEP in the Town of Charlotte-Town.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the herein after mentioned Act has expired, and it is deemed expedient to revive and continue the same:

Act of the 5th year of His late Majesty King Geo. the 4th, to prevent the running at large of Sheep in Charlotte-Town, revived and continued for 3 years.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of His late Majesty's Reign, intituled "An Act to prevent the running at large of Sheep in the Town of Charlotte-Town," and every matter, clause, and thing therein contained, be, and the same are hereby revived and continued in full force and effect for and during the term of *Three Years*, and no longer.

CAP. IV.

An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of Charlotte-Town.

[Passed, April 6th. 1833.]

Act of the 8th year of the reign of King Geo. the 4th, authorizing the formation of Fire Engine Company for the Town of Charlotte-Town, continued for 5 years, and to the end of the next Session of the General Assembly.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to authorize the formation of a Fire Engine Company for the Town of Charlotte-Town," be, and the same is hereby continued in full force and effect, for the space of *Five Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. V.

An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs, and Carioles, on the Highways.

[Passed, April 6th, 1833.]

So much of an Act of the 1st year of His present Majesty, continuing Bread Assize Act,

and the Act regulating the driving of Carts, &c. of the 8th year of King Geo. the 4th,

as relates to the last mentioned Act, continued for 5 years.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the First year of His present Majesty's Reign, intituled "An Act to continue an Act intituled An Act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town, and an Act intituled An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways," as relates to an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways," be, and the same is hereby continued in full force and effect for the space of *Five Years*, and no longer.

CAP. VI.

An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the Measurement of TON TIMBER, BOARDS and all other kinds of LUMBER.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Sixth year of His late Majesty's Reign, intituled "An Act to continue an Act made and passed in the First year of His present Majesty's Reign, intituled An Act to regulate the measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same," be, and the same is hereby continued for the space of *Seven Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

Act of the 6th year of King Geo. the 4th, continuing Act of the 1st year of the same King, regulating the measurement of Ton Timber, Boards, &c., and repealing two Acts of the 14th and 57th years of King Geo. the 3d,

continued for 7 years, and from thence to the end of the then next Session of the General Assembly.

CAP. VII.

An Act for ascertaining the POPULATION of this Island, and for obtaining certain Statistical Information therein mentioned.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint such and so many persons as he may deem necessary, in each and every County of this Island, to inquire into, and ascertain the num-

Lt. Governor, &c. may appoint so many persons as he may deem necessary in each County, to ascertain the number of

Inhabitants, and for other purposes.

ber of persons residing within the same, and for the other purposes hereinafter mentioned.

Persons so appointed to visit every house within their district, and to require the necessary information for filling up their returns.

II. And be it further enacted, That it shall and may be lawful for the persons so appointed, and they are hereby required, to visit every House within the County or District for which they shall have been respectively appointed, and to require of all persons such information as may be necessary for filling up accurately the several columns in their Returns, according to the form or schedule to this Act annexed.

Every person refusing to answer, or answering falsely, liable to a penalty of 1*l.* for each offence.

Mode of recovery of fine.

III. And be it further enacted, That every person who shall refuse to answer, or shall knowingly answer falsely, to any question put by the person so appointed for the purpose of obtaining the information aforesaid, shall incur a penalty of Twenty Shillings for each and every offence, which shall be recoverable before any one of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses; and in default of payment thereof, when directed by the said Justice, the same to be recovered by Warrant of Distress and Sale of the Offender's Goods and Chattels; and in case no Goods and Chattels shall be found whereon to levy, then the said Justice shall commit the said Delinquent to the nearest Jail, there to remain for a time not exceeding *Ten Days*.

Each person so appointed, to visit every dwelling-house within his District, and make return on oath of his doings under this Act to Lt. Governor, &c. in Council, on or before 1st July, 1833.

And if knowingly guilty of making false return, liable to a penalty of 10*l.*

Mode of recovery of fine.

IV. And be it enacted, That each and every person to be appointed for carrying into effect the intentions of this Act, shall visit every Dwelling House within his District, and shall make Returns on Oath of his actings and doings thereunder, to the Lieutenant Governor, or other Administrator of the Government in Council, on or before the first day of July next; and if any person so to be appointed as aforesaid shall knowingly make a false entry, or any Return other than he ought to have made, from actual information received at each Dwelling House within his District, he shall be liable to a penalty of *Ten Pounds*, to be recovered in His Majesty's Supreme Court of Judicature, by Bill, Plaint, or Information.

Appropriation of fines.

V. And be it further enacted, That all fines and penalties arising under and by virtue of this Act, shall be paid into the Treasury of this Island, to and for the use of the Government thereof.

Lt. Governor, &c. with advice of Council to pay out of the Treasury a fair remuneration for each person appointed to carry into effect this Act.

VI. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and out of the monies which may be in the Treasury, to pay, or cause to be paid, to the persons who may be employed in carrying into effect the intentions of this Act, such sum to each respectively as to the said Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, may appear a fair remuneration for his trouble.

SCHEDULE.

FORM OF A RETURN TO BE USED BY THE PERSONS EMPLOYED TO TAKE THE CENSUS.

Township, Island, Town or Royalty.	Name of the head of each family.	Proprietor of Real Property.	Not Proprietor of Real Property.	MALES IN EACH FAMILY.				FEMALES IN EACH FAMILY.			Number of Insane persons in each family.	Number of Acres of Land occupied by each family.	Number of Acres of improved Land occupied by each family.	Number of Cows owned by each family.	Number of Oxen owned by each family.	Number of other kinds of Neat Cattle owned by each family.	Number of Horses owned by each family.	Number of Sheep owned by each family.	Number of Hogs owned by each family.	PRODUCE RAISED BY EACH FAMILY DURING THE LAST YEAR.				Number of Grist Mills in every such place.	Number of Saw Mills in every such place.	Number of Schools in every such place.	NUMBER OF SCHOLARS IN EVERY SUCH PLACE.	
				Under 16 years.	From 16 to 60.	60 and upwards.	Total.	Under 16.	16 and upwards.	Total.										Number of Bushels of Wheat.	Number of Bushels of Barley.	Number of Bushels of Oats.	Number of Bushels of Potatoes.				Males	Females.

Certified to be a true and faithful Return for the Township, Parish, Town or Royalty (as the case may be) of according to the requirements of an Act passed in the Third year of His Majesty's Reign, intituled "An Act for ascertaining the Population of this Island, and for obtaining certain Statistical Information therein mentioned."

CAP. VIII.

An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferries, and to make other provisions in lieu thereof.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is deemed necessary to afford every convenience to Travellers, and make such alteration in the manner of licensing Ferrymen, as well as to enable the Public to cross the different Ferries, with their Baggage and Cattle, at the lowest possible rate of Ferriage:

Repeals so much of an Act of the 21st year of King Geo. the 3d, as relates to an Act of the 14th year of the same King, for licensing and regulating Ferries—and an Act of the 9th year of King Geo. the 4th altering and amending said Act of the 14th of King Geo. the 3d.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act for amending and rendering perpetual several Laws near expiring," as relates to an Act made and passed in the Fourteenth year of the same Reign, intituled "An Act for Licensing and Regulating Ferries," and an Act made and passed in the Ninth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to alter and amend an Act, intituled an Act for Licensing and Regulating Ferries," be, and the same are hereby respectively repealed.

Lt. Governor, &c. with advice of Council may let, by tender or otherwise, the Ferries within this Island, and appoint as many Ferrymen as may be necessary.

II. And be it further enacted, That from and after the publication hereof, it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to let, by Tender or otherwise, as hereinafter mentioned, the several Ferries within this Island, and to appoint such and so many Persons as he, with the advice aforesaid, shall or may judge proper and sufficient, to act as Ferrymen for the several and respective Ferries as aforesaid.

III. And be it further enacted, That it shall and may be lawful for the said Lieutenant Governor, or

other Administrator of the Government for the time being, from time to time, to cause the said several Ferries to be Advertised, calling for Tenders for the conveyance of Passengers, their Luggage and Cattle, over the Ferry or Ferries so advertised; and in such Tender or Tenders shall be expressed, by the Person or Persons so Tendering, the rate at which he or they will convey Passengers, their Luggage and Cattle, over the respective Ferries so tendered for, subject to such Rules, Regulations and Requisitions as may be fixed and determined by the said Lieutenant Governor, or other Administrator of the Government, with the advice as aforesaid, which said Rules, Regulations and Requisitions, shall be stated in the Advertisement so made; and the said Lieutenant Governor, or other Administrator of the Government as aforesaid, is hereby authorized to let any such Ferry to the Person or Persons who will convey Passengers, their Luggage and Cattle, at the lowest rate, over the respective Ferries so tendered for, and shall grant Licenses for the same, for the term of Three Years—the Person or Persons so licensed to be always subject to be suspended or displaced by order of the said Lieutenant Governor, or other Administrator of the Government for the time being, for neglect of duty or for misbehaviour. And the said Person or Persons so licensed, shall enter into good and sufficient security for the fulfilment of his or their duties, and shall provide such Boats and other conveniences for the accommodation of Passengers, as the said Lieutenant Governor, or other Administrator of the Government, with the advice as aforesaid, shall specify and set forth in the respective Licenses. And every Person so licensed as aforesaid shall, for neglect of duty or non-fulfilment of the Requisitions as stated in such License, be subject for every offence so committed, and for every day he may be deficient of any article as stated in such License, a sum not exceeding *Twenty Shillings.*

Lt. Governor, &c. to cause the several Ferries to be advertised for tenders for conveyance of Passengers, &c.

What Tenders are to express.

Lt. Governor, &c. with advice as aforesaid, to make Rules, &c. for the regulation of such Ferries.

Advertisement to state Rules, &c.

Ferries to be let to persons who will carry passengers, &c. at the lowest rate; and License granted for 3 years.

Persons licensed subject to be displaced by Lt. Governor, &c. for misbehaviour, &c.

Persons licensed to give security for fulfilment of duties.

Duty of licensed Ferrymen.

Licensed Ferrymen liable to a fine of 1*l.* for every offence committed against this Act.

If no Tender is made,

Lt. Governor, &c. to fix rate of ferriage, &c.

IV. And be it further enacted, That in case no Tender or Tenders shall be made as abovementioned, after such Advertisement, then it shall and may be lawful to and for the said Lieutenant Governor, or other Administrator of the Government, with the advice aforesaid, to fix the rate of Ferriage, under and subject to such Rules and Regulations as are hereinafter mentioned, or shall from time to time be made by him and them, by virtue of this Act, for the benefit and advantage of the Public.

Contents of License.

V. And be it further enacted, That the said Lieutenant Governor, or other Administrator of the Government, with the advice aforesaid, shall, in the respective Licenses so to be granted, state and set forth how each and every Licensed Ferry shall be conducted, the number and size of the Boats to be provided, and also the rate at which Passengers, Cattle, Carriages, Goods and Baggage shall be ferried or conveyed at the respective Ferries which shall be so licensed as aforesaid, together with any Regulations for the upholding and keeping in repair the Houses, Slips and Hards, and other Buildings erected by the Government of this Island, for the convenience of the respective Ferries within the same, and any other Regulations for the convenience of the Public that may be deemed necessary. And every such licensed Ferryman, so to be licensed under this Act, is hereby directed and required to cause a copy of the Requisitions and Regulations of the Ferry for which he is so licensed as aforesaid, to be posted up, and kept so posted during the continuance of such License, in some conspicuous place in the house occupied by him or them for a Ferry House, under penalty of a sum not exceeding *Five Shillings* for each day's neglect.

Licensed Ferryman to post up in his house a copy of the rules, &c. under which Ferry is granted,

under a penalty not exceeding 5s. for each day's neglect.

Persons not licensed ferrying over any river, &c. at place where ferry is established, any man or

VI. And be it further enacted, That if any Person or Persons, not being duly licensed, shall from henceforth carry or ferry over any River, Bay or Creek within this Island, at the place where a Ferry is or may be hereafter established, any Man

or Beast, except by the desire and consent of the Person or Persons licensed to keep such Ferry or Ferries, or except the same be done gratuitously, such Person or Persons shall forfeit and pay for each Offence a sum not exceeding *Twenty Shillings.*

beast without consent of person licensed, (except it be done gratis) to forfeit 1*l.* for each offence.

VII. And be it further enacted, That no Person or Persons so to be licensed in pursuance of this Act, nor his or their Servant or Servants, nor any other person or persons acting for or under him or them respectively, shall take or receive as a reward for his or their ferriage, any greater sum or sums of money than is or shall be mentioned and specified in the License so to be obtained as aforesaid. And if any Person or Persons so to be licensed as aforesaid, or his or their Servant or Servants, or any other Person or Persons acting for or under him or them respectively, shall use unnecessary delay therein, or give abusive language to, or treat with rudeness, any person or persons whomsoever applying to be ferried over, or during the time he, she, or they may be actually ferrying over, any of the places or bays so to be licensed as aforesaid, then such person or persons so offending shall, for each offence, upon proof made by the oath of one or more credible Witness or Witnesses before any one of His Majesty's Justices of the Peace, forfeit a sum not exceeding *Five Pounds*, and shall be also ordered to satisfy in damages all those who shall or may sustain loss by means of such unnecessary delay; the said forfeiture and damages to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, and paid to the person or persons who may be injured thereby; and for want of Goods and Chattels whereon to levy, then the said Offender or Offenders shall be committed to the common Jail for a term not exceeding *Three Months*, nor less than *One Month.*

No licensed Ferryman, &c.

to receive any greater sum for ferriage than shall be specified in License.

Licensed Ferrymen or their Servants guilty of any misconduct

to forfeit 5*l.* for each offence.

Mode of recovery of fine.

VIII. And be it further enacted, That it shall and may be lawful for the Person or Persons so to be licensed as aforesaid, or his or their Servant or Servants, to demand and receive pay of all Pas-

Licensed Ferryman may receive pay from Passen-

gers before they enter the boat

and accept a pawn or pledge.

sengers before he, she or they shall have entered on board such Boat or Boats; and in default of such payment, to accept of a pawn or pledge for the same; nor shall such person or persons be required or obliged to change a greater sum than *One Shilling* when the Fare amounts to no more than *two pence*, nor to change a greater sum than *Five Shillings* when the Fare amounts to *One Shilling* or upwards; but in no case shall it be lawful for any Ferryman to detain any Passenger or Passengers, after he, she, or they are admitted into the Ferry Boat.

Ferryman in no case to detain passengers after admitted into the boat.

Mode of recovery of fines incurred under this act.

IX. And be it further enacted, That all Fines, Penalties, or Forfeitures, not hereinbefore provided for, shall be recovered before any one of His Majesty's Justices of the Peace, upon the Oath of one or more Witness or Witnesses, and applied, one half to the person who shall inform and sue for the same, and the other half to be paid into the Treasury of this Island, for the benefit of the Government thereof.

This Act not to authorize the collection of revenue for rent, &c.

X. And be it further enacted, That nothing herein contained shall authorize the collection of any Revenue for Rent or otherwise, under or by virtue of this Act.

This act not to extend to Ferry over Hillsborough river opposite Charlotte-Town until the expiration of the Lease of the present Lessee.

XI. And be it further enacted, That this Act, so far as regards the Ferry on the Hillsborough River between Charlotte-Town and the opposite side of the said River, shall not go into operation until the expiration or other sooner determination of the term thereof granted by the Government of this Island to the present Lessee, any thing herein contained to the contrary thereof notwithstanding.

CAP. IX.

An Act to explain and amend an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of* Highways, *and to provide a mode of obtaining* Compensation *for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

[Passed, April 6th, 1834.]

Preamble.

WHEREAS doubts have arisen as to the construction of the third clause of an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled 'An Act to regulate the laying out and altering of 'Highways, and to provide a mode of obtaining 'Compensation for those who may thereby be in-'jured, and to cause those who are benefited there-'by to contribute towards their formation,' as to the parties by whom costs on appeal are to be borne—For remedy whereof:

When Lt. Governor, &c. or Proprietor, &c., shall appeal against any verdict under Act of the 10th of King Geo. the 4th, to regulate the laying out and altering of Highways,

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That when either the Governor, Lieutenant Governor, or other Administrator of the Government, or the Proprietor or Tenant of the soil, who may think themselves aggrieved by the finding of any Verdict under and by virtue of the said Act, shall appeal to the Supreme Court of Judicature of this Island, in the manner pointed out by the said Act, it shall and may be lawful to and for the said Supreme Court, if it shall be of opinion, after hearing such appeal, that justice hath been done, to dismiss the same, with such costs, to be taxed, to the Appellee, as shall seem just and reasonable; which said costs, if the Appeal shall have been entered by the Governor, Lieutenant Governor, or other Administrator of the Government, shall be paid to the Appellee, in the manner described in the fourth section of the said Act, as

Supreme Court may, after hearing appeal, dismiss the same, with costs.

And if said appeal shall have been entered by Lt. Governor, &c. Costs shall be paid to the Appellee as directed by

4th section of before mentioned Act in case of Verdicts. And if by Proprietor, &c. costs shall be recovered against him as in cases of appeal under Small Debt Act.

If on appeal heard a new Writ be ordered and the second Verdict be in confirmation of the first, and the Jury find the Road an advantage to the Proprietor, the Court to order the same to be entered of Record, with costs, &c. And the costs are to be made part of second judgment, and to be recovered as pointed out by said Act for recovery of Verdict alone—and if by second Verdict owner is found entitled to a sum beyond that found by first Verdict—costs are to be allowed him, and paid as pointed out in 4th section of said Act.

And if by second Verdict the owner, &c. is found entitled to a lesser sum than that found by the first Verdict, he is to pay costs, to be taxed.

Witnesses may be compelled to attend before Juries summoned under

to payment of a Verdict, and if by the Proprietor or Tenant, by him; and in case of neglect or refusal, the same shall be recovered in the same manner as costs are recovered in the said Supreme Court on appeals being dismissed in cases of Small Debts.

II. And be it further enacted, That if on such appeal having been heard, a new Writ shall be ordered, and the Verdict of a second Jury taken, as is by the said Act permitted, and on the coming in of such Verdict it shall appear that the same is in confirmation of the Verdict appealed from—if such Verdict shall find the Road to be an advantage to the Proprietor of the land, then the said Court shall order the same to be entered of Record together with the Costs incurred on hearing such Appeal, issuing such second Writ, and taking such Verdict, which said Costs, having been duly taxed, shall make part of the said second Judgment, and be paid and recovered in the manner pointed out by the said Act for the recovery of the Verdict alone. And if the said second Verdict shall find the owner of the land to be entitled to any sum beyond what was found in the first Verdict, the Appellant shall have his reasonable costs of appeal and subsequent proceedings taxed and paid in manner before pointed out in the fourth section of the before mentioned Act, for the recovery of the Verdict alone, when given in his favour; but if such second Verdict shall find a lesser sum due to the owner for compensation than the first Verdict, such owner shall pay Costs, to be taxed, in manner mentioned in the last foregoing section of this Act.

III. And be it further enacted, That when and so often as it shall be necessary to compel the attendance of any Witnesses to give evidence before any Jury to be summoned as aforesaid, the party requiring the testimony may cause a Subpœna to be issued for the purpose from the Prothonotary's Office, in the same manner as is now practised in cases of inquiries before the Sheriff; and if any witness who shall have been duly served with a Subpœna, and shall also have been at the same

time tendered *Eight-pence* currency per mile, for every mile he may have to travel from his place of abode to the place where such evidence is to be taken, shall wilfully neglect or refuse to attend, pursuant to the Subpœna, or to give evidence after attending, he shall be liable to such damages and punishment, by process of contempt and otherwise, as Witnesses now are who disobey the command of any Subpœna requiring them to attend and give evidence before His Majesty's Supreme Court of Judicature of this Island. And the Sheriff, or his Deputy, is hereby authorized and required to administer an Oath to each of the twelve Jurors, who shall be chosen to act on any such inquiry, in the following form, swearing three at a time—that is to say:

before mentioned Act.

Mode of compelling attendance of Witnesses.

Fees of Witnesses per mile.

Witnesses refusing to attend, or give evidence, liable to such damages and punishment as Witnesses now are in other cases before Supreme Court.

Sheriff &c. to administer an oath to each Juror.

'You and each of you shall well and truly inquire what damage, or advantage, will be sustained, or will accrue, to A. B. by the opening of a Public Highway over his (or her) reputed property, and you shall assess the amount in money of such damage, or advantage, according to the evidence and the best of your judgment. And in case you shall find the same to be an advantage to the said A. B. then you shall say what sum shall be paid by him; and shall view, appraise and value the unsettled land of the said A. B. adjoining the said intended Road, and situate in County, as directed in the Act of Assembly in that case made and provided.

'So help you God.'

Form of Jurors' oath.

And the Sheriff, or his Deputy, is also hereby authorized and required to administer an oath to each Witness who shall attend as aforesaid, in the form following (that is to say),

Sheriff, &c. to administer an oath to each Witness.

'The evidence you shall give before this Inquest, shall be the truth, the whole truth, and nothing but the truth,

'So help you God.'

Form of Witness's oath.

IV. And be it further enacted, That in no case shall any more than one Writ be issued for the

No more than one Writ to be issued for

each County.

same County, under or by virtue of this Act relating to new Roads, after the Administrator of the Government for the time being, in Council, shall have determined upon and ordered the laying out or opening of such Roads, although the same may pass over the lands of more than one person, unless such new or intended Roads shall be detached from each other, and run in different or contrary directions; and the Jury shall give as many several Verdicts, under one Writ, as may be required from the number of parties interested.

Unless Roads be detached, or run in contrary directions, Jury to give as many Verdicts as there are parties interested.

No person to take any other or greater fees than are specified in this Act.

V. And be it further enacted, That no person or persons whosoever shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees for the respective services hereinafter mentioned than is hereunder specified, that is to say:

TABLE OF FEES.	Currency. £	s.	d.
Warrant of Survey	0	5	0
Surveyor laying out the Road, per diem	0	11	8
Chainmen and Labourers, each per diem	0	4	0
Plan of Road, five chains to an inch	0	11	8
Surveyor, for all other requisite attendances as a Witness or otherwise, per diem	0	11	8
Retainer to the Attorney General on each Writ, exclusive of travelling charges	2	6	8
Instructions and Præcipe for each Writ,	0	6	8
Issuing each Writ of Subpœna	0	2	6
Each copy to serve	0	1	0
PROTHONOTARY, viz:			
Writ and Seal	0	6	0
Entering the record on every Verdict, for every hundred words	0	0	8

Surveyor General's Fees.

Attorney General's Fees.

Prothonotary's Fees.

	£	s.	d.	
For each Writ of Subpœna, . . .	0	2	6	
Copies of Subpœna, to serve, each	0	1	0	

SHERIFF, viz:

For Summoning each Juror, . . .	0	2	6	Sheriff's Fees.
Mileage to summon Jury, and to perform every other service under this Act, except holding the Inquisition, for every mile travelled .	0	0	4	
Service of each notice, Subpœna, or other paper	0	2	0	
Holding inquiry, preparing and filing Inquisition on each Writ . . .	1	3	4	
Mileage to hold Inquiry, for every mile actually travelled, . . .	0	0	4	

JURORS, viz:

To the Foreman	0	10	0	Juror's Fees.
To each of the other eleven Jurors,	0	5	0	
Mileage, to each Juror, for every mile necessarily travelled	0	0	6	

WITNESSES, viz:

Commissioners of Highways, when required to attend as Witnesses under this Act, from the time of leaving home until their return, (no unnecessary time to be allowed) each, per diem	0	15	0	Witnesses' Fees.
Mileage, for each mile travelled .	0	0	6	
All other necessary Witnesses, per mile	0	0	4	
For attendance under examination per diem	0	2	0	

CAP. X.

An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.

[Passed, April 6th, 1833.]

Persons claiming interest in any Lands, &c. in this Island, may register all Deeds, &c. relating to the same in the office of Colonial Registrar.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That all persons now having, or claiming, or who shall or may hereafter have or claim, any right, title, or interest, in or to any Messuages, Lands, Tenements, or Hereditaments, within this Island, or its Dependencies, may register all Deeds or Writings of whatsoever nature or kind relating to, or concerning the same, in the Office of the Colonial Registrar of this Island.

Registrar to keep for the purpose of Registering all Deeds, &c. a Folio Book.

Description of Book so to be kept.

II. And be it further enacted, That the Colonial Registrar for the time being shall keep, for the purpose of registering all such Deeds and Writings therein, a Folio Book, with patent back, strongly bound in leather, and lettered with the words "Register of Deeds, Nos. " and containing at least seven quires of paper, which shall be of a good quality, and proper for Records, with an Index and Alphabet thereto, which shall be kept in the form prescribed in the Schedule No. 1, hereto annexed. And the Registrar shall also make and keep two general Alphabets and Indexes, in two several Books, to be bound as aforesaid, and in the forms prescribed in the Schedules Nos. 1 and 2, hereto annexed, which shall be open to the Public to make searches therein.

All Deeds, &c. not already recorded shall before Registry thereof be proved before Registrar as directed in this section.

III. And be it further enacted, That the execution of all such Deeds and Writings as aforesaid, which already have been, or hereafter shall be made, and which shall not have been recorded before this Act shall be in force, shall, before the Registry thereof, be proved on oath, before the said Registrar, by one or more of the subscribing Witnesses thereto, or by the personal acknowledg-

ment before him of the Grantor or Grantors in such Deeds or Writings—which oath the said Registrar is hereby empowered to administer, and which acknowledgment or proof of due execution shall be endorsed on the back of each and every of such Deeds or Writings so produced and proved, as also signed by the Registrar; and all such Deeds and Writings shall be registered at full length, and the word "sworn" shall be inserted in the Book of Registry, opposite the name of each Witness who shall be sworn before the Registrar as aforesaid.

Proviso.

Provided nevertheless, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government, from time to time, by writing, under his hand and seal, to appoint at least three Commissioners, who shall be sworn faithfully to discharge the duties of their office, residing in each of the Counties within this Island respectively, whose Commissions shall be registered before they act; and who shall severally be empowered to administer an oath to Witnesses who may come before them to prove the due execution of such Deeds or Writings as aforesaid, or take the personal acknowledgment of the Grantor or Grantors of such Deeds or Writings as aforesaid; and who shall thereupon, and upon the back of each Deed or Writing, certify the proof or acknowledgment so made before them respectively, as hereinafter mentioned; for which services the Commissioner shall receive the sum of *Two Shillings and Sixpence*, and no more; and the Registrar now appointed, or hereafter to be appointed, shall, on receipt of such Deed or Writing, so certified as aforesaid, enter the same upon the Registry, as provided by this Act, as if such proof or acknowledgment of execution had been made before him, any thing herein contained to the contrary notwithstanding.

Lt. Governor, &c. may appoint 3 Commissioners in each County,

to administer oath to Witnesses to the execution of Deeds, &c.

Duty of Commissioners.

Fees of Commissioners.

Registrar to enter Deeds, &c. upon the Registry, certified as proved before Commissioners.

Form of Certificate of Oath.

Form of Certificate of Commissioner on oath made.

'On the day personally 'appeared before me A. B. of and being

'sworn, testified that he is a subscribing Witness 'to the within written Deed or Writing, and that 'he was present, and did see the same duly exe- 'cuted by the Grantor (or Grantors, as the case 'may be,) therein named. E. F.
'Commissioner.'

Form of Certificate of acknowledgment.

Form of Certificate of Commissioner on acknowledgment made before him of execution of Deed, &c.

'On the day of
'personally appeared before me A. B. of
'and acknowledged that he did freely and volun- 'tarily execute the within written Deed or Wri- 'ting, to and for the uses and purposes therein 'mentioned. 'E. F. Commissioner.'

All Deeds, &c. executed in Great Britain or Ireland, &c. to be registered on proof of the execution thereof.

IV. And be it further enacted, That the Registrar of this Island shall and may register all such Deeds and Writings as aforesaid, as shall have been made and executed in Great Britain or Ireland, or in any of His Majesty's Colonies or Plantations, or other His Dominions distant from this Island, although none of the Witnesses thereto should come before him to prove the same, provided the execution thereof shall appear to such Registrar either to have been acknowledged in due form of Law, by the Grantor himself, named in any such Deed or Writing as aforesaid, or to have been proved by the Oath of one of the subscribing witnesses thereto, before some or one of His Majesty's Justices of the Peace where any such Deed or Writing shall have been executed, and to be duly attested by such Justice; and such attestation, being also authenticated (if in the Plantations) under the Hand and Seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province or Government where the same shall or may have been executed, or of a Notary Public there residing; and if in Great Britain, Ireland, or elsewhere, under the Dominions of His Majesty, then under the Public Seal of some Corporation there, or by the attestation and certificate of some Notary Public, lawfully constituted and resident there,

Mode of proof required.

certifying that such Person so subscribing as a Justice of the Peace is really and truly so, and that faith and credit is and ought to be given to all such his attestations. And if any such Deeds or Writings as aforesaid shall be executed in any other place or places out of His said Majesty's Dominions, then the certificate, attestation, or proof of such execution shall be according to the forms generally used in such place or places as last aforesaid, on the like occasions.

All Deeds, &c. to be certified on the back by the Registrar. Certificate to contain the date, &c. when presented for registry. Registrar to enter the same in margin of Registry Book.

V. And be it further enacted, That all such Deeds and Writings as aforesaid shall, immediately upon receipt by the Registrar, be certified by him on the back thereof, (and in presence of the person presenting the same, if required) with the name of the Witness (if any) sworn before him, and the year, month, day of the month, and hour of the day, when the same were presented for Registry, and proved or acknowledged as aforesaid; and shall also enter the same in the margin of the Register Book, opposite to the commencement of the Record; and a Copy of which Certificate, and of the Deed or other Writing relating thereto, and duly registered, being extracted from the Book of Registry, and authenticated by the Registrar's signature (in case of the original Deed or Writing being lost, and none of the Witnesses thereto to be found, so as to be examined either *viva voce* or by commission,) shall be admitted and allowed as legal evidence of the due execution of such lost Deed or Writing in any Court of Record in this Island, wheresoever such Deed or Writing may have been executed. And the Registrar shall duly record every such Deed or Writing as aforesaid, in the same manner and order in which they shall come to his hands, and be proved or acknowledged as aforesaid, and without favor or partiality, on pain of answering the party aggrieved in such damages as he may sustain.

Copy of Certificate, Deed, &c. authenticated by Registrar, to be admitted as legal evidence of lost Deed, &c.

Registrar to record all Deeds, &c. in the order they come to his hands, without favor or partiality.

When Grantors and Witnesses shall die before Registry of Deeds, &c.

VI. And be it further enacted, That in case the Grantors and Witnesses to any such Deed or Writing as aforesaid shall die before the Registry thereof, or cannot be found, so as to obtain the ac-

knowledgment or proof of the due execution thereof, before the Registrar as aforesaid, it shall be lawful to and for the Executor or Administrator of any one or more such deceased Grantors, to execute a Memorial of such Deed or Writing, and require the same to be registered with the original Deed therein referred to, which shall be done accordingly, upon the said Memorial being acknowledged or proved before the Registrar, or otherwise, if executed abroad, in manner aforesaid.

Executor &c. may execute a Memorial thereof, which may be registered with the original Deed, &c.

VII. And be it further enacted, That if any person shall forswear him or herself before the said Registrar, or before any such Commissioner as aforesaid, or any Deputy Registrar, and be thereof duly convicted, such person shall be liable to the same penalties as if the said oath had been voluntarily and corruptly made in a cause depending in any of the Courts of Record that now are, or hereafter shall or may be, established in this Island.

Perjury before Registrar or Commissioner how punished.

VIII. And be it further enacted, That no Person shall be compelled to attend before the Registrar, as a Witness, to prove the due execution of any such Deed or Writing as aforesaid, unless there shall have been previously tendered to him or her a reasonable compensation for his or her time and trouble, at and after the rate of *Four Pence* per mile, for travelling expenses, for every mile to be travelled, in coming to and returning from such Register Office; and in case the Witness shall refuse to attend before the Registrar, or one of the Commissioners as aforesaid, within *six days* next after such tender as aforesaid, the person or persons requiring the attendance of such Witness may make oath before any one of His Majesty's Justices of the Peace, and therein set forth the necessity of such Witness's attendance before the Registrar or Commissioner, the making of such tender, and the amount thereof, and refusal to attend; and thereupon the Witness so refusing to attend as aforesaid shall be forthwith committed, by Warrant under the hand and seal of such Justice, to

No person compelled to attend before Registrar as a Witness to prove execution of any Deed, &c. unless travelling charges at the rate of 4d. per mile, be tendered to him.

On refusal to attend after such tender,

on oath made before any Justice of the Peace,

such Justice to issue his Warrant, to commit offen-

Prison, there to remain, without bail or mainprize, until he or she shall comply with the requisition of this Act, and shall also pay the reasonable costs that may have been incurred in consequence of such his or her neglect or refusal to attend and give evidence before the Registrar or Commissioner as aforesaid.

der to prison without Bail, &c. until he agrees to attend before Registrar, and pays the costs incurred in consequence of his refusal.

IX. And be it further enacted, That when any Mortgager or Mortgagers, or their Assigns, shall have paid and satisfied the sum or sums of money secured upon his, her, or their Lands, Tenements, or Hereditaments, then instead of a re-conveyance or re-assignment of the mortgaged Premises being required; there shall be delivered into the Registrar's Office a Certificate to the effect hereinafter mentioned; which shall be entered upon Record, and the same shall have the like force and effect as if the party had actually executed and registered such re-conveyance or re-assignment, as aforesaid.

When Mortgages are paid,

a certificate to the effect herein mentioned to be delivered to Registrar, who shall enter the same on Record.

'To the Registrar of Deeds for
'Prince Edward Island.

Form of Certificate.

'I A. B. of do hereby certify, 'that C. D. of hath paid and satisfied 'all such sum or sums of money as were due and 'owing upon a Mortgage made by the said C. D. 'to me, bearing date the day of 'and which was granted in consideration of the 'sum of £ in full discharge of the 'same. And I do hereby require an entry of such 'payment and satisfaction to be made, pursuant to 'an Act of Assembly in that case made and provi-'ded.

'As witness my hand, this day of
'A. B.

'Signed in the presence of .'

Form of Entry of the said Certificate, to be made by the Registrar.

Form of e of Certif

'Memorandum:—That upon the Certificate of 'the within named A. B. dated the day of '
proved by the Oath of G. H. of

'that all Monies due on the within mentioned 'Mortgage are fully paid and satisfied in discharge 'of the same, this entry in discharge thereof is 'made, pursuant to the said Act, this
'day of

'L. M. Registrar.'

Which said Certificate shall be filed with and kept by the Registrar, and he shall make the foregoing entry in the margin of the Register Book where the Mortgage therein referred to may have been registered, and opposite to the commencement of the Registry of such Mortgage.

No unregistered Deed, &c.

X. And be it further enacted, That after this Act shall be in force, no constructive or other notice of any unregistered Deed, Writing, or Instrument relating to the Title to Lands, Tenements, or Hereditaments within this Island or its Dependencies, shall, in any manner, either in Law or Equity, defeat, impeach, or affect, or be construed to affect, any Deed, Writing or Instrument relating to all or any part of the same Lands, Tenements, or Hereditaments, and which shall have been duly registered, according to the provisions of this Act.

to affect any Deed, &c. which shall be registered according to this Act.

Proviso.

This Act not to affect certain Records, &c.

Provided always, That nothing in this Act contained shall affect, or be construed to impeach, any of the following Records or Instruments, which do by Law, or hereafter may relate to, or in any manner concern the Titles to Lands, Tenements, or Hereditaments within this Island—that is to say, Decrees or Judgments at Law or in Equity, Executions or attachments levied, or to be levied, on Real Estate, Wills, or Securities for Debts due, or to become due, to the Crown, although the same, or a memorial or entry thereof, may not be recorded in the said Office of the Colonial Registrar of Deeds—but that such Records, Writs or Instruments, and every of them, shall have the same force and effect, to all intents and purposes whatsoever, as if this Act had not been made.

XI. And be it further enacted, That the Regis-

trar of Deeds shall take and receive for the registering of every Deed or other Instrument, and for all certified copies of the same, at the rate of One Shilling currency for every One Hundred words; and for every Oath to be administered by him, the sum of One Shilling currency; and for every certificate, and every search, the sum of One Shilling currency; and that the Registar's Office shall be kept open for Public Business from the hour of Ten in the forenoon till the hour of Three in the afternoon (holidays excepted.)

Fees of Registrar.

Office hours of Registrar.

Provided always, that nothing herein contained shall require the Registrar to record any such Deeds or Writings as aforesaid, unless the amount of Fees as required by this Act shall have been first tendered or paid immediately on proof of their due execution having been made in terms of this Act.

Proviso. Registrar not compelled to record any Deeds, &c. unless his Fees be first paid.

XII. And be it further enacted, That the Registrar now appointed, or hereafter to be appointed, shall and may, and he is hereby authorized, from time to time, to nominate and appoint any fit and proper person to act as his Deputy, who shall, on receiving such appointment, be invested with all such and the same powers and authorities as the Registrar now hath, as to taking Proofs, entering Records, giving Certificates, authenticating Copies, and administering Oaths; such Deputy to be appointed by Commission, under the hand and seal of the Registrar, and which shall be duly registered; and the said Deputy shall be sworn faithfully to discharge the duties of his office, before he shall act therein, and the oath shall be recorded with his Commission.

Registrar authorized to appoint a Deputy for the purposes of this Act.

Mode of appointment of such Deputy.

XIII. And be it further enacted, That all Deeds which shall hereafter be duly executed, shall in all cases be deemed to be valid as against the Grantor or Grantors, and his, her, or their Heirs, any want of Registry notwithstanding, unless there shall be therein contained a covenant or condition to the contrary.

All Deeds, &c. duly executed to be valid against the Grantor, notwithstanding they are not registered.

XIV. And be it further enacted, That from and after the passing of this Act, all Powers and

All Powers of Attorney under which

Deeds, &c. are executed, to be recorded in Registrar's Office.

No Deed, &c. so executed to be valid until such Power is recorded.

Letters of Attorney, under and by virtue of which any such Deeds or Writings as aforesaid shall be made and executed, shall be duly recorded at length in the Register Office; and that no deed or Instrument purporting to be executed in such manner as is last before mentioned shall have any force or effect until such Power or Letter of Attorney shall have been first duly registered.

When this Act shall become in force, Act of the 20th year of King Geo. the 3d. appointing the recording of all Deeds, &c.

and an Act of the 25th year of the same King, to explain, alter, and amend the first mentioned Act;

and an Act of the 41st year of the same King, to explain and amend the Laws of this Island, appointing the recording of Deeds, &c., and also an Act of the 49th year of the same King, appointing the recording of Letters of Attorney. to be respectively repealed.

XV. And be it further enacted, That from and after the respective periods when this Act shall become in force, as hereinafter mentioned, an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled 'An Act appointing the Recording of all Deeds of Sale, Conveyances and 'Mortgages;' also an Act made and passed in the Twenty-fifth year of the Reign of His said late Majesty, intituled 'An Act to explain, alter and amend an Act made and passed in the Twentieth year of His present Majesty's reign, intituled "An Act appointing the Recording all Deeds of Sale, Conveyances and Mortgages;" and an Act made and passed in the Forty-first year of the Reign of His said late Majesty, intituled 'An Act to explain and amend the Laws of this Island appointing and directing the Recording of Deeds 'of Sale, Conveyances and Mortgages;' and an Act made and passed in the Forty-ninth year of the Reign of His said late Majesty, intituled 'An 'Act appointing the Recording of Letters or Powers of Attorney, in such cases as are therein mentioned,' shall be, and become respectively repealed.

Periods when this Act is to come into operation.

XVI. And be it further enacted, That this Act shall commence and come into operation at the following times, (that is to say)—with respect to such Deeds and Writings as aforesaid as may have been executed within this Island, within Three Calendar Months after the passing thereof, the day of passing, and the last day of the said term, both inclusive; and as to all other Deeds and Writings which may be registered as afore-

said, within Twelve Calendar Months after such passing, the day of the passing of this Act, and the last day of the said term, both inclusive.

SCHEDULE No. 1.

Form of Alphabet and Index.

From	To	Nature of Record.	When Registered.	Book	Page	Description of Premises.
B. A.	D. C.	Conveyance.	1st August, 1833.	36	100	500 Acres on Township No. 32.

SCHEDULE No. 2.

To	From	Nature of Record.	When Registered.	Book	Page	Description of Premises.
D.C.	B. A.	Conveyance.	1st August, 1833.	36	100	500 Acres on Township No. 32.

CAP. XI.

An Act to amend an Act made and passed in the Second year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the* Recovery *of* Small Debts, and to repeal two other Acts hereinafter mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the above mentioned Act has been found defective, and it is deemed necessary to amend the same:

Commissioners appointed under Act of the 2d year of

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Commissioners appointed, or to be appointed, under and by virtue of an Act made and passed in the Second year

His present Majesty, for consolidating and amending Small Debt Acts,

And all Justices and Commissioners authorized to adjudicate under the Summary Capias Act of the same year of His present Majesty's reign,

empowered to issue executions under said Acts for debts amounting to 40s. and under; and for want of Goods and Chattels whereon to levy, the Constable may take Defendant and commit him to prison.

Limits the time of imprisonment according to amount of Debt.

of His present Majesty's Reign, intituled 'An 'Act to consolidate and amend the several Acts of 'the General Assembly therein mentioned, relating 'to the Recovery of Small Debts,' and all Justices of the Peace and Commissioners who may be called upon to adjudicate under and by virtue of an Act made and passed in the Second year of His present Majesty's Reign, intituled 'An Act to au-'thorize Justices of the Peace and Commissioners 'under the Small Debt Act to issue Writs of 'Summary Capias against persons about to leave 'this Island,' are hereby empowered to issue Executions in manner directed in and by the said above mentioned Acts for the Recovery of all Debts amounting to Forty Shillings and under; and for want of Goods and Chattels whereon to levy the same, then to authorize the Constable to take the Defendant or Defendants to Prison, there to remain, if the original Debts, together with the superaddition of costs, shall not exceed Forty Shillings, for the space of One Month, at any time or season of the year—after which Imprisonment, the said Defendant or Defendants shall be released therefrom, and also freed and discharged from the Debt or Debts for which he, she, or they may have been imprisoned; and for the recovery of all sums, where the Debt and Costs together shall exceed Five Pounds, the Imprisonment shall be the same as is mentioned in the said first mentioned Act relating to the recovery of sums above Three Pounds and not exceeding Five Pounds, after which Imprisonment the Defendant shall be discharged from the Debt.

If on hearing before any Commissioner it shall appear that the Defendant never had been furnished with an account after demand made by him,

II. And be it further enacted, That if on the hearing of any matter of Debt before any of the Commissioners aforesaid, it shall be found that the Defendant or Defendants had never before the issuing of the Summons been furnished with an Account of the Debt or Debts so sued for, and that such Account had been by such Defendant or Defendants demanded of the Plaintiff at his place of residence, but that the Action was vexatiously

brought without such Account having been furnished as aforesaid, then it shall and may be lawful for the Commissioner or Commissioners, at his or their discretion, to apportion the Costs as they shall see fit, or to order and cause the Plaintiff to pay the said Costs, or any part thereof, and to recover which, Execution may issue as in cases of Nonsuit, and to give Judgment only for such sum as is sufficiently proved to be due to him or them by such Defendant or Defendants.

the Commissioner authorized to apportion the costs in his discretion.

Mode of recovery of costs, if directed to be paid by Plaintiff.

III. And be it further enacted, That it shall and may be lawful to and for any of the Justices of His Majesty's Supreme Court of Judicature, in all cases where they shall see fit, to vary the Orders or Judgments of any Commissioner or Commissioners, Justice or Justices of the Peace, which may be appealed from, if in favour of the Appellant, to grant or withhold Costs, or any part thereof, in their discretion, any thing to the contrary in the said above mentioned Acts notwithstanding.

Justices of the Supreme Court in all cases of appeal from Commissioners or Justices to vary Judgments, and grant or withhold costs in their discretion.

IV. And be it further enacted, That an Act made and passed in the Forty-sixth year of the Reign of His late Majesty King George the Third, intituled 'An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's reign, intituled An Act for the more easy and speedy recovery of Small Debts,' and an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled 'An Act to regulate Appeals from the Courts of Justices of the Peace in this Island, in amendment of an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled, An Act for the more easy and speedy recovery of Small Debts'—be, and the same are, hereby respectively repealed.

Repeals Act of the 46th year of King Geo. the 3d, in addition to and amendment of an Act of the 13th year of the same King, for the more easy and speedy recovery of Small Debts; and an Act of the 8th year of King Geo. the 4th, to regulate appeals, in amendment of the said Act of the 13th year of King Geo. the 3d.

CAP. XII.

An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michælmas Term of the said Court, in Queen's County, a Term for the Trial of Issues, for a limited period.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it will be a great saving of expense to the Jurors, Suitors, and Witnesses, who are compelled to attend Courts of Justice, if Courts were held in the different Counties:

Supreme Court to sit in King's County and in Prince County twice in each year.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Supreme Court of this Island shall sit at Georgetown, in King's County, and at St. Eleanor's, in Prince County, twice in each year, as soon as Court Houses and Jails shall be erected in the said Counties respectively, and as soon as the Lieutenant Governor, or Commander in Chief for the time being, shall issue his Commission or Commissions to the Chief Justice for that purpose—that is to say, in King's County, at Georgetown, on the Second Tuesday in March, and the Third Tuesday in July; and at Prince County, on the First Tuesday in June, and the Second Tuesday in November.

Times of such sittings.

Until Sheriffs are appointed for the different Counties, the High Sheriff to appoint Deputies for King's and Prince Counties.

II. And be it further enacted, That until Sheriffs shall be appointed for the different Counties, the High Sheriff, or in his absence, the Under Sheriff, shall appoint good and sufficient Deputies—one for King's County, and one for Prince County—who shall reside within the limits of their respective Counties.

The Prothonotary and Clerk of the Crown to appoint one De-

III. And be it further enacted, That the Prothonotary and Clerk of the Crown shall appoint good and sufficient Deputies, one for King's County, and one for Prince County, residing

within the limits of their respective Counties—who shall have power to sign and seal such Writs as may be purchased out of the said Courts, which Writs shall bear teste as of the last day of the preceding Term in Charlotte-Town, and be returnable on some day of the next Term in which such Courts shall sit in the said Counties respectively, or on one of the days hereinafter mentioned for the return of Writs; and after such Courts shall have gone into operation, the Writs so to be issued in such Counties shall bear teste in the usual manner, as of the last day of the Term so held in the same Counties respectively.

puty for each of said Counties.

Duty and power of such Deputies.

Teste of Writs issued in said Counties.

IV. And whereas Jurors are now summoned by Law from the whole Island, which is highly inconvenient and expensive to many of such Jurors—Be it therefore enacted, That from and after the establishment of the said Courts in King's and Prince Counties respectively, no person shall be summoned upon any Jury, whether Grand or Petit, out of the County in which such person shall reside—any other Law, Usage, or Custom to the contrary notwithstanding.

Preamble.

After the establishment of said Courts, no person to be summoned as a Grand or Petit Juror out of the County in which he resides.

V. And be it further enacted, That the Deputy Clerks of the Crown and Prothonotaries for King's and Prince Counties respectively, shall issue in due form Writs of Venire, directed to the Sheriff, or his Deputy, commanding him to summon a Grand Jury from the persons resident in the said County, to meet at the Times and Places before mentioned; and he shall also issue a Venire, to summon a Petit Jury for each and every Term in the said County, to meet at the same place and at the time hereinafter appointed for all Petit Jurors to meet—which said Grand and Petit Jurors shall be of the like qualifications, and summoned in the same manner, as Grand and Petit Jurors are by Law now summoned.

Duty of the Deputy Clerks of the Crown and Prothonotaries.

VI. And whereas it will conduce to the advancement of Justice to make three Issuable Terms in the year for the Supreme Court in Charlotte-

Preamble.

Town, and to change the time of the sitting of the Hilary Term, for a limited period:

The Michaelmas Term of the Supreme Court in Charlotte-Town to be an Issuable Term for the trial of Civil Suits only.

Term not to exceed the number of days as now prescribed by Law for said Term. Limitation of this Act as respects Michaelmas Term. Hilary Term to be holden on the 1st Tuesday in January in future.

Be it therefore enacted, by the authority aforesaid, That the Michælmas Term shall be an Issuable Term for the Trial only of Civil Suits; and that Petit Jurors shall be summoned at that Term, as Jurors are now summoned at the other Terms; and Civil Causes shall be therein heard, tried, and determined, as at the other Terms; and the time of sitting shall not exceed the number of days as now prescribed by Law for the said Michælmas Term. And that this Act, with respect to Michælmas Term, shall only be in force for three of those Terms, from and after the passing hereof; and that the Hilary Term shall be holden on the First Tuesday in January, instead of the Third Tuesday in February, any Law, Usage or Custom to the contrary notwithstanding.

Mode in which Petit Jurors are to be summoned in future.

VII. And be it further enacted, That in future all Petit Jurors shall be summoned to attend each of the said respective Courts on the Second day of each Term, and not on the First day as now practised, except in Michælmas Term in Queen's County; and that such Petit Jurors shall attend in Hilary and Trinity Terms for Queen's County for such time as they may be required, not exceeding *nine days* in each Term; and in Michælmas Term for that County, for such time as they may be required, not exceeding *seven days:* and in each of the respective Terms to be held in King's County and Prince County, for such time as they may be required, not exceeding *six days*, exclusive of Sunday; and that the Courts to be held in the said two Counties last mentioned shall sit for a time not exceeding *seven days*, exclusive of Sunday, in each Term, and no longer—any Law, Usage, or Custom to the contrary notwithstanding.

Chief Justice to be allowed 100*l.* per annum for travelling charges.

VIII. And be it further enacted, That there shall be allowed and paid as travelling expenses to the Chief Justice of this Island, for his attendance at the said Courts so to be held in Prince County and King's County, the sum of *One Hundred Pounds* per annum.

IX. And be it further enacted, That the Grand Juries to be summoned as aforesaid for the said Terms in King's and Prince Counties, shall, and they are hereby authorized to prepare lists of fit and proper persons to fill the offices of Constables and Fence Viewers, for each of the said Counties respectively; and the said Courts are hereby authorized to choose from the said lists fit and proper persons to fill the said Offices, in the same way and manner as heretofore used for the whole Island.

Grand Jurors in King's and Prince Counties to prepare Lists of persons to fill the offices of Constables and Fence Viewers.

X. And be it further enacted, That at and after each Term of the said Courts, there shall be in future *Twenty successive days* allowed for return of Writs solely, including the First day of each Term, and exclusive of Sundays—any thing in this Act to the contrary notwithstanding.

Return days for Writs.

CAP. XIII.

An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is deemed expedient to repeal the Act hereinafter mentioned, and to authorize the Lieutenant Governor, or other Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five Thousand Pounds:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth year of the late King, intituled 'An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to negociate a Loan, for the purpose of erecting a Government House and a Building for an Academy,' and every matter, clause and thing therein, be, and the same are hereby repealed.

Repeals Act of the 10th year of King Geo. the 4th, authorizing Lt. Governor, &c. to appoint Commissioners to negotiate a Loan for erecting a Government House and an Academy.

Lt. Governor, &c. may order a further Issue of Treasury Notes, to the amount of 5000*l.*

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five Thousand Pounds—of which One Thousand Pounds thereof shall be in Notes of the value of Five Pounds each; and Two Thousand Pounds shall be in Notes of the value of Two Pounds each; and One Thousand Pounds shall be in Notes of the value of Twenty Shillings each; and Five Hundred Pounds shall be in Notes of the value of Ten Shillings each; and Five Hundred Pounds in Notes of the value of Five Shillings each—which further Issue shall be in the form and subject to the enactments and provisions of an Act made and passed in the Fifth year of the late King, intituled 'An Act to empower His 'Excellency the Lieutenant Governor, or Com'mander in Chief for the time being, to appoint 'Commissioners to issue Treasury Notes'—and an Act made and passed in the Sixth year of the late King, intituled 'An Act to authorize the Com'missioners named and appointed under an Act 'made and passed in the Sixth year of the Reign of 'His present Majesty intituled 'An Act to empow'er His Excellency the Lieutenant Governor, or 'Commander in Chief for the time being, to appoint 'Commissioners to issue Treasury Notes,' to issue 'Notes of the value of Ten Shillings each'—and an Act made and passed in the First year of His present Majesty's Reign, intituled 'An Act to au'thorize a further Issue of Treasury Notes.'

Description of Notes to be issued.

Subject to the provisions of Treasury Note Act of the 5th year of King Geo. the 4th,

and Treasury Note Act of the 6th year of the same King,

and also of Treasury Note Act of the 1st year of His present Majesty.

Treasurer at the expiration of every 12 months, for 5 years from the passing of this Act, out of the Funds raised by Land Assessment Act of the 11th year of King Geo. the 4th. to pay off 1000*l.* of the Treasury

III. And be it further enacted, That the Treasurer of this Island is hereby required and directed, at the expiration of one year after the date of the Notes so to be issued under and by virtue of this Act, to pay off, out of the Monies arising under and by virtue of an Act made and passed in the Eleventh year of His late Majesty's Reign, intituled 'An Act for raising a Fund, by an Assessment on 'Land, for erecting a Government House, and other 'Public Buildings within this Island,' the sum of

One Thousand Pounds of the Notes now in circulation, or to be hereafter circulated, and deliver the same to the Commissioners aforesaid, who are hereby directed and required to cancel and destroy the same; and the said Treasurer is hereby directed and required, at the expiration of every succeeding Twelve Months from the date of the Notes so to be issued, and under and by virtue of this Act, to pay off as aforesaid, and deliver to the said Commissioners, the sum of One Thousand Pounds, until the Notes so paid off and cancelled shall amount to the sum of Five Thousand Pounds.

Notes now in circulation.

Mode of cancelling Notes so paid off.

IV. And be it further enacted, That the Commissioners shall keep a specific account of the Notes so received, and lay an account of the number and description of the different Notes so cancelled and destroyed before His Excellency the Lieutenant Governor in Council; and that the Notes so cancelled shall be destroyed in presence of the Commissioners aforesaid and the Treasurer of the Island.

Treasury Note Commissioners to keep an account of Notes by them cancelled, to be laid before Lt. Governor in Council. Notes to be destroyed in presence of Commissioners and Treasurer.

V. And be it further enacted, That the Receipts of the Commissioners for the sums so to be cancelled shall be deemed a sufficient discharge to the Treasurer, for the respective amounts which shall be therein expressed.

Commissioners' Receipt to Treasurer a sufficient discharge for Notes cancelled.

CAP. XIV.

An Act appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, the Colonial Secretary and Registrar of this Island is hereby required to register, in a Book to be kept for that purpose, all Proclamations which may now be in his custody, pos-

Colonial Secretary and Registrar to register Proclamations now in his custody relating to any

Laws of this Colony, with His Majesty's Orders in Council, signifying his allowance or disallowance of the same. Time limited for such Registration.

session or power, relating to any Laws heretofore passed by the Legislature of this Island, together with the Orders of His Majesty in Council signifying His Majesty's Allowance or Disallowance of the same, which said Proclamations and Orders in Council shall be registered within Six Months from the Publication hereof.

Colonial Secretary, &c. within 30 days after the same comes into his possession, to register all future Orders of His Majesty in Council respecting Laws of this Colony, and all Proclamations thereon.

II. And be it further enacted, That the said Colonial Secretary and Registrar shall, within Thirty Days after the same may come into his custody, possession or power, register in the same Book all Orders of His Majesty in Council, signifying His Majesty's Royal Allowance or Disallowance of any Act or Acts which may have passed the said Legislature, but on which the Royal pleasure has not yet been signified, and all such Orders of His Majesty in Council as may relate to the Allowance or Disallowance of any Acts which may hereafter pass the same, together with the Proclamations notifying the said Royal Allowance or Disallowance.

Allowance to Colonial Secretary and Registrar for this duty.

III. And be it further enacted, That the said Registrar shall be paid by the Government of this Island the customary Fees for Registering all such Despatches or Documents contemplated by this Act as are allowed and paid for registering Deeds and Papers in the said Office of Registry.

Copies of such Proclamations and Orders certified under hand and seal of Registrar or his Deputy, to be deemed as good evidence as if original were produced.

IV. And be it further enacted, That in all cases where it may be necessary to give such Proclamations or Orders in Council in Evidence, a certified copy of the same, under the hand of the said Registrar, or his Deputy, shall be taken and deemed to be as good as if the original had been produced and duly proved.

CAP. XV.

An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.

[Passed, April 6th, 1833.]

WHEREAS it is enacted, by a Law which passed the Legislature of this Island, in the Forty-seventh year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal an Act made and passed in the Forty-first 'year of His present Majesty's Reign, intituled An 'Act for the better regulation of Elections, and to 'regulate Elections for Members to serve in General Assembly in future'—that every Assembly hereafter to be called for this Island shall continue for the space of Seven Years, from the day of the Return of the Writs, and no longer: Preamble.

And whereas it would tend to strengthen the confidence of the Public in the Popular Branch of the Legislature, and also prove conducive to the purity and independence of that Body, were the sense of the People, agreeably to ancient usage, more frequently appealed to: Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication of this Act, every Assembly shall continue in duration only for the space of Four Years, from the day of the Return of the Writs for the calling of the same, and no longer—subject, nevertheless, to be sooner prorogued or dissolved by the Governor, Lieutenant Governor, or Administrator of the Government for the time being, whenever he may think the same necessary for the benefit of this Island. Assembly in future shall only continue in duration for 4 years from the day of the Return of the Writs of Election, subject to be sooner dissolved by Lt. Governor, &c.

II. And be it further enacted, That the Sixteenth clause of an Act made and passed in the Forty-seventh year of the reign of His late Majesty King George the Third, intituled 'An Act to repeal an 'Act made and passed in the Forty-first year of His 'present Majesty's Reign, intituled An Act for the Repeals 16th clause of the Act of the 47th year of King Geo. the 3d, repealing Act of the 41st year of the same King, for the

better regulation of Elections, &c.

'better regulation of Elections, and to regulate Elections for Members to serve in General Assembly 'in future,' be, and the same is hereby repealed.

Suspending clause.

III. And be it further enacted, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

CAP. XVI.

An Act to authorize the appointment of Commissioners to superintend the extending and completing of the PUBLIC WHARF of Charlotte-Town.

[Passed, April 6th, 1833.]

Lt. Governor, &c. to nominate 5 Commissioners to superintend the extending the Public Wharf of Charlotte-Town.

Duty of Commissioners.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint Five Commissioners, to superintend the extending and completing the Public Wharf of Charlotte-Town; which said Commissioners, or the major part of them, are hereby authorized to make such Contract for the purchase of materials for that purpose, and for workmanship, as they, or the major part of them, shall think proper: Provided, that no Contract entered into by such Commissioners shall exceed Five Hundred and Seventy Pounds in amount.

Proviso.

Further duty of Commissioners.

II. And be it further enacted, That the said Commissioners, or the major part of them, shall without delay procure proper Plans of the said Work, and Estimates of the expense of materials and Workmanship necessary to complete the same, which, together with all Contracts that shall be entered into by the said Commissioners, shall, previous to their being executed, be laid before the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, for approval.

III. And be it further enacted, That the Lieu-

tenant Governor, or other Administrator of the Government for the time being, in Council, be, and he is hereby empowered to draw Warrants on the Treasury, at the requisition of such Commissioners, or the major part of them, for the Sum or Sums so appropriated, or any part or parts thereof, at such times and in such proportions as to the Commissioners, or the major part of them, may appear necessary.

Lt. Governor, &c. in Council to draw Warrants on the Treasury for sums appropriated for the purposes of this Act when requested by the Commissioners, or the major part of them.

IV. And be it further enacted, That in case of the Death, Absence, or Resignation of any such Commissioner or Commissioners, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like Power and Authority as is conferred by this Act upon the other Commissioners.

In the event of the death, absence, or resignation of any Commissioner, Lt. Governor, &c. may appoint another.

CAP. XVII.

An Act to incorporate the Trustees of Saint Andrew's College, in King's County.

[Passed, April 6th, 1833.]

WHEREAS the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlotte-Town, did, on the Thirtieth day of November, One Thousand Eight Hundred and Thirty-one, open and establish a College at Saint Andrew's, in King's County, which is commonly called the Saint Andrew's College: And whereas, the said Right Reverend Æneas Bernard Maceachern hath, by Lease and Release, bearing date the Eighteenth day of January, One Thousand Eight Hundred and Thirty-three, given up all his individual Claim, Title and Interest in and to the said College, with certain Lands, Tenements, and Hereditaments thereunto belonging, as declared and set forth in the said Lease and Release, unto the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlotte-Town; the

Preamble.

Preamble.

Right Reverend William Fraser, Roman Catholic Bishop of Tanen; the Reverend Bernard Donald Macdonald, of Charlotte-Town aforesaid; the Reverend Sylvanus Perry, Belle Alliance, in Prince County; John Small Macdonald, of the West River, in Queen's County, Esquire; Daniel Brenan, of Charlotte-Town aforesaid, Esquire; Angus Macdonald, of Three Rivers, in King's County, Esquire; and Donald Macdonald, of Tracadie, in Queen's County, Esquire—their Heirs and Successors, as Trustees of said College, to have and to hold the said Lands, Tenements and Hereditaments, in Fee Simple for ever, for the use and benefit of the said College.

Preamble.

And whereas, also, it is necessary, for the better regulation thereof, to render the said Trustees a Body Corporate and Politic, with perpetual succession, as hath been signified and prayed for by the humble Petition of the Right Reverend Æneas Bernard Maceachern aforesaid—

Incorporates the Trustees named in the Trust Deed of St. Andrew's College in King's County, and their Successors.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Right Reverend Æneas Bernard Maceachern, the Right Reverend William Fraser, the Reverend Bernard Donald Macdonald, the Reverend Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, and their Successors for ever (which said Successors shall be elected and chosen in way and manner hereinafter mentioned,) shall be, and they are hereby constituted and declared a Body Corporate and Politic, in name and in deed, and by the name and style of 'The Trustees of the Saint Andrew's College,' shall be a perpetual Corporation, and shall have succession for ever, and a common Seal, with power to break, change and alter the same from time to time, at pleasure, and shall be in Law capable of suing and being sued, pleading and being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of Actions, Suits, Complaints, Matters and causes whatsoever; and also of

Style of Corporation.

Powers of Corporation.

contracting and being contracted with, relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted, as is herein after declared; and may make, establish and put in execution, alter or repeal, such By Laws, Rules, Ordinances and Regulation, not contrary to the Laws of this Island, or the Provisions of this Act, as the said Corporation may think necessary and expedient for the better regulation and management thereof. Provided always, that Five of the members of the said Corporation shall be a Quorum, for all matters and business to be done or transacted by the said Corporation, not hereinafter provided for.

Proviso.

Five Members of Corporation to form a Quorum.

II. And be it further enacted, That the Lands, Messuages and Tenements aforesaid, held by the Trustees named in the before mentioned Lease and Release, shall be holden by the said Corporation, to stand and be possessed thereof forever, to and for the several Trusts and purposes expressed and set forth in said Lease and Release, so far as this Act shall not alter or affect the same.

Lands held by the Trustees named in the Trust Deed to be holden by Corporation for the uses and trusts expressed in said Deed.

III. And be it further enacted, That it shall and may be lawful for the said Corporation to purchase any Real or Personal Estate, or accept such as may be gratuitously given, granted or bequeathed for the use and benefit of the said College, which shall not, together with that already holden by the said Trustees as aforesaid, exceed the net yearly value or income of Two Thousand Pounds sterling; and that the said Corporation shall and may sell, alienate or dispose of the said Real or Personal Estate, so purchased, granted or bequeathed, from time to time, as they may see fit.

Corporation may hold real or personal Estate, not to exceed in value a net yearly income of 2000*l.* sterling.

IV. And be it further enacted, That when a vacancy shall happen in the said Corporation by death, resignation, or other removal of either or any of the before named Right Reverend Æneas Bernard Maceachern, Right Reverend William Fraser, Reverend Bernard Donald Macdonald, Reverend Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald or Don-

Mode of filling up Vacancies that may happen in Corporation, by death resignation, or removal.

ald Macdonald, or either or any of their Successors in office, the said vacancy shall be filled up and supplied by the person who shall be duly elected by the votes of the greatest number of such as may be entitled to vote at the said Election.

Qualification of persons authorized to vote for the Election of Trustees.

V. And be it further enacted, That no Person shall be authorized or have power to vote for the election of a Trustee or Member of the said Corporation, except such as shall have subscribed and paid towards the support of the said College the Sum of Three Pounds annually, for at least Two Years previous to such Election; or such Person as shall have given, either by gift or otherwise, the Sum of Forty Pounds, which Sum shall entitle him to vote at the Election of a Member of said Corporation as often as occasion may be during his life; or any one of the before named Trustees and their Successors in Office for ever.

In the event of there being no persons qualified as aforesaid, remaining Trustees may elect others.

VI. And be it further enacted, That in case there be no such Subscribers or Doners as aforesaid, then and in such case it shall and may be lawful for any Five of the surviving or remaining Members of said Corporation to choose or elect by their unanimous votes a person to fill up any vacancy that may occur in said Corporation: And the person elected in the manner hereinbefore directed shall not have any power or authority to exercise his functions as a Member of said Corporation until his said Election shall be duly registered in the proper Register Office within this Island, which Registry shall be on the production of a Certificate signed by at least Five of the Members of the said Corporation, and on the Oath of one of them, or any other subscribing Witness thereto.

Duty of persons so elected.

Proviso. Not more than 4 of the Members of Corporation to be in holy orders.

VII. Provided always, and be it further enacted, That not more than Four of the Members of said Corporation shall be Clergymen, or men in Holy Orders.

VIII. And be it further enacted, That there shall be a Book or Register kept by the said Corporation, in which shall be contained the By Laws, Rules and Regulations that may be made or put in execution from time to time, for the Government and Management of the said College, as well as the Proceedings that may from time to time take place in the filling up of Vacancies, and also a regular list of such persons as may contribute towards the support of the said College, either by Gift, Bequest or Annual Subscription, expressing the exact amount of the same; which Book or Register shall at all times be open to the inspection of His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, of His Majesty's Council, and the House of Assembly.

A Book to be kept by Corporation in which By Laws, &c, are to be entered;

and also a list of Doners with amount of their gifts,

which is to be open for the inspection of Lt. Governor, Council or Assembly.

IX. And be it further enacted, That the said Corporation shall not have any power or authority, by virtue of this Act, to make any such By Laws, Rules or regulations as may be considered in any manner whatsoever a religious Test; nor shall interfere with any individual Student thereof in matters of Religion, nor compel or request any of them to attend at Prayers, or any Ceremony of or relating to the Catholic Church, except such only as shall belong to said Church.

Corporation not to impose any religious Test on Students, nor interfere with or request any Student to attend any ceremony of the Catholic Church,

except such Students as profess the Catholic Religion.

X. And be it further enacted, That all Deeds of Gift and conveyance of Real Estate which shall be made to the said Corporation, shall be enregistered within Twelve Calendar Months after the Execution thereof, respectively, in the proper Office for the Registration of Deeds within this Island—which Registration the proper Officer is hereby required to make, at the request of the Bearer of such Deeds, respectively, on the payment of the usual Fees of said Office; and in default of such Registration as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of Gift and Conveyances of Real Estate to Corporation to be registered in the proper office of Registration of Deeds within 12 Calendar months after execution.

Saving the Rights of His Majesty and others.

XI. And be it further enacted, That nothing herein contained shall affect, or be construed to affect in any manner or way, the Rights of His Majesty, His Heirs or Successors, or of any Person or Persons, or of any Body Corporate or Politic, such only excepted as are herein named.

This Act to be deemed a Public Act.

XII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other Persons whomsoever, without being specially pleaded.

CAP. XVIII.

An Act for the Preservation and Improvement of the Herring and Alewives' Fisheries of this Island.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Herring and Alewives' Fisheries are of great benefit to this Island, and it being the opinion of many concerned therein, that the setting of Nets in the day time, or leaving Nets set, or Stakes in the Water in the day time for the purpose of fastening Nets thereto, prevents the Herrings and Alewives from coming into the Rivers, Bays, Creeks, and Harbours of this Island, to shole as formerly; and it is highly necessary and proper that a Law should be passed for the Regulation and Preservation of the said Fisheries:

Persons not to set Nets in the day time for the purpose of catching Herrings, &c.

or leave any Nets or Stakes in any of the Bays, &c. in this Island, between sunrise and sunset.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Person or Persons shall set, or cause to be set, any Net or Nets in the day time, for the purpose of catching Herrings, Alewives, or any other kind of Fish, or shall leave any such Net or Nets set, or any Stakes for the purpose of fastening Nets thereto, in any of the Bays, Harbours, Rivers, or Creeks in this Island, between sunrise and sunset, except as is

hereinafter mentioned: And any Person or Persons who may feel aggrieved thereby, may, and they are hereby required to give notice to the Owner or Owners thereof, or to any other person or persons intrusted with or concerned in such Net or Nets, to remove the same forthwith, with the Stakes or Fastenings; and on refusal or neglect, to proceed immediately to take up all such Nets, with all the Fastenings, they shall be subject and liable to a Penalty not exceeding *Twenty Shillings* for the first offence; and for the second offence shall, over and above the said Penalty, forfeit the Net or Nets, together with the Fish that may be therein—the said Fine to be recovered and disposed of as hereinafter mentioned.

Mode of abating nuisance.

Party offending to forfeit 1*l.* for the first offence, and the Net or Nets, with any Fish therein, for the second offence.

Provided always, That this Act shall not subject any Person to a Fine or Penalty, when gales of wind or stress of weather would render it impracticable, or endanger the life of any Person or Persons, to remove such Net or Nets in the day time, as may have been previously set.

Proviso. Not to subject any person to a fine when gales of wind prevent the removal of such Nets.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, to appoint fit and proper Persons residing in the vicinity of any River, Bay, or other Fishing Station, for the purpose of regulating and deciding where Nets may be set in the day time for the purpose of catching Herrings when they may have sholed, or when the water may have become turbid or discoloured with spawn; and every such person so appointed shall have power, and is hereby authorized, to permit Nets to be set in the day time, under such circumstances and at such times as aforesaid, any thing in this Act contained to the contrary notwithstanding.

Lt. Governor, &c. may appoint persons in the vicinity of any River, &c. to regulate the setting of Nets, &c.

Duty of Persons so appointed.

III. And be it further enacted, That any Person or Persons who shall wilfully or designedly injure or destroy any Net or Nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay

Persons wilfully injuring any Net

to forfeit 5*l.* and reasonable costs.

to the party injured a Sum not exceeding *Five Pounds*, together with reasonable Costs, to be recovered as hereinafter mentioned.

Mode of recovery of all fines under this Act.

IV. And be it further enacted, That all Fines and Penalties arising under and by virtue of this Act shall be recovered on the Oaths of two credible Witnesses, before any one of His Majesty's Justices of the Peace, and paid to the Party who may sue for and recover the same: And all disputes which may arise respecting any Nets or Fish so seized and taken under and by virtue of this Act, shall be settled and determined by any Two of His Majesty's Justices of the Peace, on the Oaths of two credible Witnesses, the Party forfeiting the Net or Nets so seized paying all reasonable expenses.

All disputes respecting Nets seized, to be settled by 2 Justices of the Peace.

Authorizes any 3 Justices of the Peace near to any Fishery to make further Rules, &c.

V. And be it further enacted, That it shall and may be lawful to and for any Three of His Majesty's Justices of the Peace, residing near to any such Fishing Station as aforesaid, to make and enforce such other and further Rules and Regulations as are not mentioned in this Act, as to them, or any Two of them, shall seem most proper, to prevent rioting or disorderly conduct amongst the Fishermen during the Fishing Season, and effectually to insure quiet and good order amongst them while so engaged.

to prevent disorderly conduct among Fishermen.

Limitation of this Act.

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

CAP. XIX.

An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act for ascertaining the* Standard *of* Weights *and* Measures *in this Island*, and to make other provisions in lieu thereof.

[Passed, April 6th 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act for ascertaining the Standard of 'Weights and Measures in this Island,' and every matter, clause, and thing therein contained, be, and the same are hereby repealed.

Repeals an Act of the 35th year of King Geo. the 3d, for ascertaining the Standard of Weights and Measures.

II. And be it further enacted, That all Weights and Measures used in this Island shall be according to the Standard of the Exchequer of England, as it was in the year One Thousand Eight Hundred and Nineteen, when the Standard Weights and Measures now in use here were first imported; and it shall and may be lawful, to and for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint a fit and proper person to be Assayer of Weights and Measures in Charlotte-Town, for Queen's County, who shall be duly sworn to the faithful discharge of his duty, and in whose care the present English Standard Weights and Measures, hitherto used for that purpose, shall be deposited; and the person so appointed as aforesaid shall, within One Calendar Month after such appointment, publish the same in the Public Newspapers within this Island, stating where his Office containing the said Standard Weights and Measures is situated.

Weights and Measures to be according to the Standard of the Exchequer of England in 1819.

Lt. Governor, &c. may nominate a fit and proper person to be Assayer of Weights and Measures for Queen's County, who is to be sworn to the faithful discharge of his duty.

Duty of person so appointed.

III. And be it further enacted, That it shall and may be lawful for the said Assayer of Weights and

Further duty of Assayer.

Measures, and he is hereby required, to assay and adjust all such Weights and Measures as shall be brought to his said Office, agreeably to the Standard aforesaid; and shall stamp and mark thereon the letters W. R., or with the Initials of the then reigning Monarch, and shall grant a Certificate of having assayed and stamped the same, for which he shall be entitled to receive the Sum of Sixpence for every Weight and Measure so stamped as aforesaid, and no more.

Persons using Weights or Measures not assayed to forfeit 10s.

IV. And be it further enacted, That from and after the publication hereof, no person or persons shall use any Weights or Measures in the Sale, Barter, or Exchange of any Commodity within this Island, without having the Weights and Measures assayed and stamped as aforesaid, under a Penalty of *Ten Shillings*, to be recovered before any one of His Majesty's Justices of the Peace within this Island, and to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels.

Mode of recovery of fine.

Proviso.

Not to affect persons using Weights, &c. already assayed or which shall have the English Standard of 1819 marked thereon.

Provided always, That nothing herein contained shall extend, or be construed to extend, to affect persons using any Measures or Weights which shall have been Assayed and Stamped previously to the passing of this Act, or which shall have the English Standard of One Thousand Eight Hundred and Nineteen marked thereon, and which, when examined by the Assayer, shall be found correct.

Further Duty of Assayer.

Power of Assayer.

V. And be it further enacted, That the Assayer of Weights and Measures, appointed as aforesaid, shall have full power and authority, and he is hereby empowered and authorized, to inspect all Weights and Measures, and for that purpose to visit once in every Three Months, or oftener if he shall see cause, the House, Shop, or Office of every person vending, exchanging, or bartering any Commodity by Weight or Measure, and to seize all such Weights and Measures as are not marked or branded as aforesaid, except such as are hereinbefore excepted; and upon proof that the said Weights and Measures, or any of them, are short of the Standard, and have been used by any person or persons

in the Sale, Barter, or Exchange of any commodity, such Person or Persons so using the said Weights or Measures shall, on due conviction thereof, forfeit and pay the sum of *Five Pounds*, together with the Costs of recovering the same—to be recovered before any Two of His Majesty's Justices of the Peace within this Island, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels.

Persons using improper Weights, &c. to forfeit 5*l.* and costs.

Mode of recovery of fine.

VI. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint one or more persons in each of the Counties of Prince County and King's County respectively, to be Assayer of Weights and Measures; and to order and direct one or more additional sets of Weights and Measures to be made, agreeably to the Standard deposited in Charlotte-Town, as aforesaid—one complete set of said Weights and Measures to be furnished to each of the persons appointed aforesaid to be Assayers of Weights and Measures in King's and Prince Counties aforesaid—which persons when so appointed shall have the same power and authority, and be bound by and subject to the same Rules and Regulations as are hereinbefore prescribed respecting the Assayer of Weights and Measures in Charlotte-Town.

Lt. Governor, &c. to appoint one or more persons in Prince County and King's County, as Assayers of Weights &c.

and to direct one or more sets of Weights, &c. to be made, one set to be furnished to each person so appointed.

Power and duty of persons so appointed.

VII. And be it further enacted, That if any person selling, bartering, or exchanging by Weights or Measures, shall refuse admittance to any Assayer of Weights and Measures appointed as aforesaid for the time being, after he having declared the intent of his coming to execute the duty of his said office, the person or persons so refusing shall, for every such refusal, to be ascertained by the oath of the said Assayer, forfeit and pay the sum of *Forty Shillings*, with Costs of recovering the same, to be recovered in way and manner prescribed in the Fourth Section of this Act.

Persons selling, &c. by Weights, &c. refusing admittance to Assayer,

for every such refusal to forfeit 2*l.* and costs, to be recovered as prescribed in 4th Section.

VIII. And be it further enacted, That from and after the passing hereof, no person being in com-

Persons in command of

any Vessel, loading with produce,

mand or charge of any Vessel loading with Agricultural Produce to be exported from this Island, shall take or receive any such Agricultural Produce on board of any Vessel as aforesaid, without having first measured the same in a Measure regularly Stamped and Assayed by any Assayer of Weights and Measures within this Island—which said Measure shall be made of good Hardwood, well bound with iron hoops, and in a cylindrical form, and to contain as follows—that is to say, the Measure for Potatoes or Turnips shall contain water measure, or level with the edge or brim, Three Winchester Bushels struck measure, which shall be taken as two and a half Bushels heaped measure; and the Measure for all kinds of Grain shall be agreeable to the present Standard: And any Master or other person having charge of a Vessel receiving Agricultural Produce as aforesaid, without having constantly on board the hereinbefore directed Measure, shall, on proof thereof, before any of His Majesty's Justices of the Peace for this Island, forfeit and pay for every such offence the sum of *Twenty Shillings*, with Costs, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and in case of no Goods or Chattels whereon to levy, the said Offender shall be imprisoned for *Six Days* in the common Jail of Charlotte-Town.

to be provided with Stamped Measures.

Description of Measures.

Persons in charge of Vessels receiving produce without such measures.

to forfeit for each offence 1*l.* and costs. Mode of recovery of fine.

Proviso.

Not to extend to prevent any person from loading his own Vessel with his own produce, or any person loading one Vessel to put the Cargo on board without such Measures.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any person or persons from loading their own Vessels with their own Produce, or any Person loading the whole of any one Vessel to put such Produce on board without the before mentioned Measures, in case it be mutually agreed on between himself and the Master to do so.

Appropriation of fines under this Act.

X. And be it further enacted, That all Fines and Penalties arising from and by virtue of this Act, shall be paid, one half thereof to and for the use of His Majesty's Government of this Island,

and the other half to the person or persons who shall prosecute for the same.

CAP. XX.

An Act to enable the several Congregations of the Church of England in this Island to choose CHURCH-WARDENS and VESTRIES, and for Incorporating the same, and to repeal the former Act for appointing Vestries.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Act passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled 'An Act appointing Vestries,' is in its operation confined to the Parish of Charlotte: And whereas it will be conducive to the good government and interest of the Church of England in this Island, if the provisions of the said Act extended to the several Counties and Parishes within this Island:

Congregations of Churches of England now erected, or hereafter to be erected, in this Island, to meet annually on Tuesday in Whitsuntide week.

Minister to give notice one Sunday previous to the meeting, and may choose a Vestry, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful, to and for the persons composing the Congregation of each and every Church erected and formed, or hereafter to be erected and formed, within this Island, being of the Church of England as established by Law, to meet annually on Tuesday in Whitsuntide week, at such time as the Minister duly licensed and appointed to the said Church of which such Congregation are Members shall appoint (notice having been given from the Pulpit at least one Sunday previous to the said day of meeting), and then and there to proceed to the Election of *Eight* fit and proper Persons professing the Faith of the Church of England, to be the Vestry of the said Church, out of which number, the said Vestry so elected, together with the Minister, shall make choice of two fit and discreet persons to be the Church-wardens of the said

Church; which said Church-wardens and Vestry, so elected, chosen and appointed, shall have such powers and authorities for the benefit of the said Church as are usually exercised by the Church-wardens and Vestries in the Parish Churches of England, and shall, together with the Minister of the said Church, be, to all intents and purposes, a Body Politic and Corporate, in Deed and in Name, by the Style and Title of the Minister, Church-wardens, and Vestry of the Church of in the Parish of according to the name of the Church and of the Parish in which the same may be situate; and by that name to have perpetual succession, and to sue and be sued, answer and be answered unto, and to sell or let the Pews of their respective Churches; and to ask, demand, sue for, levy, recover and receive the Purchase Monies of the same; and to sue for, levy, recover, and receive all Rates and Assessments that may be imposed and made, under and by virtue of this Act; and to take, receive and hold, use, possess, and enjoy, all Gifts and Grants, Public and Private, as well of Lands and Tenements, as of Money, Goods, and Chattels, according to their best discretion, and according to the true intent and meaning of the Donars; provided that the same shall not exceed in yearly value the sum of One Thousand Pounds, for each and every Church, respectively.

Powers of Vestry, &c.

Incorporates Minister, Churchwardens, and Vestry.

Stile of Corporation.

Powers of Corporation.

May hold and possess gifts of Lands, Goods, &c.

not to exceed 1000*l.* in yearly value.

II. And be it further enacted, That it shall and may be lawful for the Minister, Church-wardens and Vestry of each Church, respectively, from time to time, as they may see fit, to call a Public Meeting of the Congregation thereof—due notice immediately after divine service having been given, at least Three Sundays previous to such intended Meeting, stating the purposes for which the same is called—which Meeting, when so assembled, shall have power to fix the rate of Pews, and to make and order such Levies and Assessments, to and for the necessary purposes of the said Church, as to the majority of them may seem meet, and to cause such repairs, alterations and improvements to be made as to them shall seem necessary.

Minister, &c. may call public meetings after notice given. Purport of notice.

Power of meetings to fix rate of Pews and Assessments for church purposes.

Provided always, That no Rate, Levy or Assessment shall be deemed valid, unless there shall have been present at the making thereof a majority of the Pewholders, either by themselves, or by some person or persons duly authorized to act for them.

Proviso. No rate to be valid unless a majority of the Pewholders be present at such meeting.

III. And be it further enacted, That it shall and may be lawful to and for such Public Meeting of the Congregation to elect and appoint the Clerk, Organist, Sexton, Beadle, Verger, and other Officers, and to fix the rate of Salary to be paid to each respectively.

Congregation may elect Clerk, &c. and fix Salaries, &c.

Provided always, That the Clerk so chosen shall be subject to the approval of the Minister of such Church; and on his signifying his disapproval of such choice, the said Congregation shall proceed to elect another in the room of the Person so disapproved of, which said Person, so last elected, shall be likewise subject to the approval of the said Minister.

Proviso. Clerk to be subject to approval of Minister.

IV. And to prevent disputes as to the liability of Persons to be rated and assessed, under and by virtue of this Act,—Be it further enacted, that the Congregations of the said Churches, respectively, liable to be rated and assessed for the support of the said Churches, shall be composed of and consist of the Pewholders, and such other Persons who claim to be present and vote at the Election of the Churchwardens, Vestry, and other Officers of the said Church, and none other.

Persons liable to be rated, to be Pewholders and other persons who claim to be present and vote at such meetings.

V. And be it further enacted, That it shall and may be lawful to and for the Minister, Churchwardens and Vestry, of their respective Churches, to make such By Laws, Rules and Regulations respecting the good government of such Church, the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by Rate, Levy, Assessment or otherwise, may have redress, and appeal as to them shall seem expedient.

Minister, Churchwardens and Vestry, to make By Laws, &c.

Provided always, That no such By Laws, Rules or Regulations, shall have any force or effect until the same shall have been submitted to and appro-

Proviso. By Laws not to have any force until ap-

proved of at a public meeting.

ved of by a Public Meeting of the Congregation, to be called for that purpose in manner hereinbefore pointed out.

Repeals Act of the 21st year of King Geo. the 3d, appointing Vestries.

VI. And be it further enacted, That an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled 'An Act appointing Vestries,' be, and the same is hereby repealed.

CAP. XXI.

An Act to regulate the Weight and Quality of Bread within the Town and Royalty of Charlotte-Town.

[Passed, April 6th, 1833.]

All Bread for Sale within the Town or Royalty of Charlotte-Town, to be made in Loaves of 6*lbs.* 2*lbs.* or 1*lb.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Weight of all Bread made for Sale, or sold or exposed to sale, within the Town or Royalty of Charlotte-Town, except Fancy Bread, shall be made in Loaves of Six Pounds, Four Pounds, Two Pounds, or One Pound avoirdupois, and no other Weights.

Bread to be well made of good Wheaten Flour, with no other ingredient than salt, water, &c.

Bakers offending therein to forfeit not more than 3*l.* nor less than 40*s.*

II. And be it further enacted, That the Bread which shall be sold or made, or exposed to sale, shall always be well-made of good and wholesome Wheaten Flour, to which no other preparation or ingredient shall be added than common salt, pure water, eggs, milk, yeast and barm, on pain that every person, other than a Servant or Journeyman, who shall knowingly offend in the premises, and be convicted thereof by confession, or the oath of one Witness, before any Justice of the Peace, shall forfeit and pay not more than Three Pounds, nor less than Twenty Shillings, or shall be committed to the Gaol of Charlotte-Town for any time not exceeding Fourteen days nor less than Seven days, from the time of such commitment, as such Justice shall think fit; and if any Servant or Journeyman shall knowingly offend, and be

Journeyman offenders to

convicted as aforesaid, he shall forfeit not more than Forty Shillings nor less than Twenty Shillings, or shall be committed as aforesaid. And it shall be lawful for the Justice before whom any such offender shall be convicted, out of the Money forfeited, when recovered, to cause the offender's name and offence to be published in some Newspaper printed in the said Town or Royalty.

forfeit not more than 40*s.* nor less than 20*s.*

Offenders' names to be published in newspapers.

III. And be it further enacted, That if any Person or Persons who shall make any Bread for sale, or who shall send out, sell, or expose to sale, any Bread, shall, at any time, from and after the passing hereof, make, send out, sell, or expose to sale, any Bread which shall be deficient in Weight, he, she or they so offending in the premises, and being convicted thereof, in manner hereinafter prescribed, shall forfeit and pay a sum not exceeding Five Shillings nor less than One Shilling for every ounce of Bread which shall at any time be wanting or deficient in the weight which every such Loaf ought to be of; and for every Loaf of Bread which shall be found to be wanting less than an ounce of the weight the same ought to be, shall forfeit and pay a sum not exceeding Two Shillings and Sixpence, nor less than Sixpence, as such Justice or Justices before whom any such Bread which shall not be of the due weight the same ought to be shall be brought, shall think fit to order, so as such Bread so deficient in weight be brought before such Justice or Justices within Twenty-four hours after the same shall have been baked, sold, or exposed to sale; unless it shall be made out to the satisfaction of such Justice or Justices that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by or through some accident, contrivance or confederacy.

Bakers selling or exposing Bread deficient in weight, to forfeit a sum not exceeding 5*s.* nor less than 1*s.* for each ounce deficient.

For Loaves wanting less than one ounce Bakers to forfeit a sum not exceeding 2*s.* 6*d.* nor less than 6*d.*

Complaint of deficiency of weight to be made within 24 hours.

IV. And be it further enacted, That from and after the passing of this Act, every person who shall make, send out, or expose to sale, any sort of Bread whatsoever, except Fancy Bread, shall from time to time cause to be fairly imprinted or mark-

Bakers shall imprint their initials on all sorts of Bread sold or exposed for sale.

ed on every Loaf, in Roman Characters, the Initial Letters of the Christian and Surname of the Baker or Manufacturer thereof, together with their respective weight, in figures, agreeably to the first Section of this Act; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any Loaf allowed to be made by this Act, which shall not be marked pursuant to the directions hereof, shall, for every time he, she or they shall offend in the premises, and be convicted thereof, in manner hereinafter prescribed, forfeit and pay a Sum not exceeding Twenty Shillings nor less than Five Shillings, as any Justice or Justices before whom the Offender shall be convicted shall order, for every Loaf of Bread not marked as is hereby directed.

Offenders herein to forfeit a sum not exceeding 20s. nor less than 5s.

V. And be it further enacted, That the Clerk of the Market within the said Town and Royalty shall visit the Houses, Bakehouses or Shops, and other places, of every Baker or Seller of Bread at least one day in every Week, under pain of Forfeiting the Sum of Five Shillings for every time he shall neglect to do so; and that it shall be lawful for the Clerk of the Market aforesaid, or for any Justice of the Peace, or for any Constable thereto authorized by Warrant of any Justice, to enter in the day time into any House, Shop, Bakehouse or Outhouse, or other place, belonging to any Baker or Seller of Bread, and to search, view, weigh and try all or any Bread which shall there be found; and if any Bread shall, on any such search or trial by any Justice, Clerk or Clerks of the Market, as aforesaid, or on proof made before any Justice by the Oath of one credible Witness, be found to be deficient in Weight, or not truly marked, or deficient in the due Baking or Working thereof, such Justice, Clerk or Clerks of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as such Justice, or any other Justice respectively, shall think fit: And if any Person or Persons whomsoever shall obstruct or oppose any such Search or Seizure of Bread, he, she or

Clerk of the Market to visit Bakehouses, Shops, &c. once in each week under a penalty of 5s. for every neglect. Clerk, &c. to enter in the day time any Shops, &c. of any Baker, &c.

to search, weigh and try all Bread there found.

and if deficient in weight, may seize the same.

Any person obstructing such search,

they shall forfeit and pay a Sum not exceeding Forty Shillings, nor less than Twenty Shillings each, for every such offence.

to forfeit a sum not exceeding 40s. nor less than 20s.

VI. Provided always, and be it further enacted, That if any Baker shall make it appear to any such Justice, that any offence for which he shall have paid the Penalty was occasioned by the wilful neglect or default of his Journeyman or Servant, the said Justice shall issue his Warrant for bringing such Offender before him, or some other Justice, who, on conviction, shall order what reasonable Sum shall be paid by the said Offender by way of recompense; and if he do not immediately pay the same, the said Justice shall commit him to the Jail of Charlotte-Town, there to remain for any time not exceeding Thirty Days, unless payment be sooner made.

Proviso. If Baker shall prove that any offence for which he has paid penalty, has been occasioned by wilful neglect of his Journeyman, &c. Justice may order offender to pay a reasonable recompense, or commit him to Jail for a period not exceeding 30 days.

VII. And be it further enacted, That it shall be lawful for any of His Majesty's Justices of the Peace within the said Town or Royalty, to hear and determine in a Summary Way all Offences against this Act, and for that purpose to summon before them or any of them any Party accused of having so offended; and if the Party accused shall not appear on Summons, then, upon Oath of any credible Witness of any offence committed against this Act, any such Justice or Justices shall proceed to determine the said complaint; and in the event of the party accused appearing on such Summons, any such Justice or Justices is and are hereby authorized to examine any Witness or Witnesses on Oath, who shall be offered on either side, touching the matter complained of; and if any Money or Penalty forfeited for any such Conviction be not paid within Twenty-four Hours after default or conviction, such Justice or Justices shall issue his or their Warrant of Distress against the Goods and Chattels of such Offender or Offenders; and if within Five Days after such Distress taken the Money forfeited shall not be paid, the Goods seized shall be sold, rendering the overplus, if any, after payment of the Penalty, and the Costs and Charges

Mode of recovering penalties imposed by this Act.

of prosecution, Distress and Sale, to the Owner; and for want of Goods and Chattels on which to distrain, such Offender or Offenders shall be committed to the Jail within the said Town, there to remain for the space of not more than Fourteen Days nor less than Seven Days, unless such Penalty or Forfeiture, Costs and Charges, shall be paid before the expiration of such term of his or their Commitment; and all such Penalties and forfeitures when recovered, shall be paid one half to the Informer and the other half be paid into the Treasury of this Island.

Proviso.

Party aggrieved by any decision of Justice, may appeal. Mode of obtaining appeal.

VIII. Provided always, and be it further enacted, That any Person or Persons convicted of any Offence against this Act who shall think him, her or themselves aggrieved by such Conviction, shall have liberty, from time to time, to appeal to His Majesty's Supreme Court of Judicature at its then next Sitting, and upon due Security given by Recognizance, as in cases for the Recovery of Small Debts, the Execution of such Judgment of Conviction shall be suspended; and the Justices of the said Supreme Court are hereby empowered to hear and determine such Appeal, and to award such Costs as to them shall appear just and reasonable, to be paid by either Party; and if such Conviction shall be affirmed, in default of such Appellants paying the Sum which he, she, or they, shall have been adjudged to have forfeited, with Costs, as aforesaid, he, she, or they shall be committed to the Jail of Charlotte-Town, there to remain for the space of One Calendar Month, unless such Forfeiture and Costs shall be sooner paid; and if the Appellant or Appellants shall make good their Appeal, and be discharged of such Conviction, reasonable Costs shall be awarded against the Informer, to be recovered as Costs given to Appellants on Appeals in the said Supreme Court are recoverable.

Power of Supreme Court therein.

Any action against Justice, &c. for any thing done in pur-

IX. And be it further enacted, That if any Action or Suit shall be commenced against any Justice or Justices, Clerk or Clerks of the Market, Constable or other Person, for any thing done or commit-

ted by virtue of or in pursuance of this Act, it shall be commenced within Fourteen Days next after the same shall be alleged to have been committed, and not afterwards; and the Defendant or Defendants in any such Action may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act.

suance of this Act to be commenced within 14 days after the same is alleged to be committed.

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

Limitation of this Act.

CAP. XXII.

An Act for Establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication.

[Passed, April 6th, 1833.]

WHEREAS it is necessary, in order to the keeping up of a decent and regular Society, that the Matrimonial Union be protected, and that a Court be forthwith constituted for cases of Divorce and Alimony:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, all Causes, Suits, Controversies, Matters and Questions touching and concerning Marriage, and Contracts of Marriage, and Divorce, as well from the Bond of Matrimony as Divorce and Separation from Bed and Board, and Alimony, shall and may be heard and determined by and before the Lieutenant Governor, or other Administrator of the Government, and His Majesty's Council; and that the Lieutenant Governor, or other Administrator of the Government, and Council aforesaid, or any Five or more of the said Council, together with the Lieutenant Governor, or other Administrator of the Government, as President, be, and they are hereby

All controversies concerning Marriage and Divorce to be determined by Lieut. Governor and Council,

who are constituted a Court for that purpose.

constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same. Provided, and it is hereby declared, that nothing herein contained shall deprive, diminish, controul, obstruct or abridge, or be construed, deemed, or extended to deprive, diminish, controul, obstruct or abridge, in any manner, the Rights, Powers, Authority, Judicature or Jurisdiction of the Court of Chancery, or of the Supreme Court of Judicature, or of any Inferior Court of this Island, in and touching the Matters and Premises aforesaid, or of any of them—and that no Sentence, Decree, Judgment or Proceeding of the said Court of Lieutenant Governor, or other Administrator of the Government, and Council, in any Information, Prosecution, Suit or Process, touching and concerning any Marriage or Contract of Marriage, or Divorce, or Alimony, shall take away, annul, bar, suspend, or in anywise alter or affect the right of Action of any Person or Persons for any injury or damage sustained for or by reason of any breach of any Covenant or Contract of Marriage.

Proviso. Nothing in this Act to controul the rights of any other Court, and no sentence of the Court of Lt. Governor, and Council to affect the right of action of any person.

Terms of holding Court of Lt. Governor and Council.

II. And be it further enacted, That the said Court of the Lieutenant Governor, and Council, for the purposes and causes herein mentioned, shall commence and be held on the Second Monday in May, in each and every year, with power to adjourn from time to time.

Preamble.

III. And whereas the arduous affairs of Government may render it impossible for the Lieutenant Governor, or other Administrator of the Government, at all times to preside in person in the Court aforesaid:

Lt. Governor, &c. may appoint Chief Justice to preside in his stead.

Be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by Warrant or Commission, under his Hand and Seal, to depute, constitute and appoint the Chief Justice of the Supreme Court of Judicature to preside in his place and stead in the said Court of the Lieute-

nant Governor and Council, and to have, hold and exercise all the Powers, Privileges, Authority and Jurisdiction of the Lieutenant Governor, or other Administrator of the Government, in the same Court—and that such Deputy or Vice-President shall have, hold and exercise all such Powers, Privileges, Authority and Jurisdiction, accordingly, as are hereby given and granted to the Lieutenant Governor, or other Administrator of the Government, in the same Court, in all the causes, matters and things therein cognizable by this Act.

Preamble.

IV. And for the more effectually preventing and punishing of Incest, Adultery, Fornication, and all acts of lewdness, and unlawful cohabitation and intercourse between man and woman:

Persons convicted of Incest, &c. to be punished in Supreme Court or any Court of Oyer and Terminer and Jail delivery at the discretion of Court by fine or imprisonment,

Be it further enacted, That every Person who shall be hereafter lawfully convicted of any of the crimes aforesaid before the Supreme Court of Judicature, or any Court of Oyer and Terminer and Gaol Delivery in this Island, shall be punished by Fine and Imprisonment, or either of them, at the discretion of the Court in which such Offender or Offenders shall be convicted.

Causes of Divorce.

V. And it is hereby declared and enacted, That the causes of Divorce from the Bond of Matrimony, and of dissolving and annulling Marriage, are and shall be Frigidity or Impotency, Adultery and Consanguinity within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the Reign of King Henry the Eighth, intituled 'An Act for Marriages to stand, notwithstanding pre-contracts,' and no other causes whatsoever.

Proviso.

In case of Divorce for Adultery, the guilty party not to be allowed to Marry again during the natural life of his or her Wife or Husband.

VI. Provided always, and be it further enacted, That in all cases of Sentence of Divorce from the Bond of Matrimony, for the cause of Adultery, the party who shall be adjudged to have committed the act of Adultery, shall, and is hereby declared to be debarred and incapacitated from again entering into the Bond of Matrimony, during the natural life of his or her former Wife or Husband, from whom he or she may have been Divorced, as aforesaid, any

thing herein contained to the contrary thereof notwithstanding.

Proviso.

In case of divorce for Adultery the Issue not to be bastardized,

nor the wife barred of Dower, nor the husband deprived of Tenancy, unless by sentence.

VII. Provided also, and be it further enacted, That in case of a Sentence of Divorce from the Bond of Matrimony, as aforesaid, the issue of such Marriage shall not, in any case, be Bastardized, or in any way prejudiced or affected with any disability thereby. Provided also, That the Wife, in such case, shall not be thereby barred of her Dower, or the Husband be deprived of any Tenancy, by the curtesy of England, unless it shall be so expressly adjudged and determined in and by such Sentence of Divorce.

Suspending clause.

VIII. Provided always, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

CAP. XXIII.

An Act to empower the Administrator of the Government to shut up such Roads, or Parts of Roads, as are no longer required.

[Passed, April 6th 1833.]

Preamble.

WHEREAS it is deemed necessary and expedient to give the Administrator of the Government of this Colony such Jurisdiction as will enable him to Shut up any Roads, or parts of Roads in this Island, as are no longer required:

Lt. Governor in Council may order and direct any Road not used by the Public to be closed,

and Proprietors of the soil adjoining to stop up any parts of such Roads as may be between

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That whenever any alteration shall be made in any Highway or Road in this Island, it shall and may be lawful for the Administrator of the Government for the time being, in Council, to order and direct that such Roads as may, in consequence of being altered, have ceased to be used by the Public, be shut up and closed; and also, that any part or parts of such Roads as may be included between the points of such alteration, be likewise stopped up and inclosed by the Proprietor or Proprietors of the Lands between such points of alteration as afore-

said, fronting on such old Road; and if more than one Proprietor, to take share and share alike, and after the aforesaid order or direction, the said old Road shall no longer be considered public. Provided that the altered or new part of the Road shall be made equally as good and as passable as the old Road, before the latter shall be shut up and closed as aforesaid. And provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the Administrator of the Government, in Council, for the time being, to order any Public Road to be closed, until at least Six months' Notice be given in any one or more of the Public Newspapers published on the Island, that application has been made to the said Administrator of the Government, in Council, to close up such Road as has been so abandoned by the Public, and such shall be stated in the Advertisement; and if on the investigating of any such application as aforesaid, one person should make it appear that the closing up of the said Road would prove injurious to him, or any other individual whatever, then and in that case the powers with which the Administrator of the Government in Council has been invested by this Act shall cease, and be of none effect whatsoever, as regards the said Road.

any new line of Road or old Road so ordered to be closed. Provided, that before old Road be closed the new line be made equally as good; and Provided, that before any order to close a Road is made, notice shall be given for at least 6 Months in a Newspaper.

Contents of such Notice.

Road not to be closed if it appears the same will prove injurious to any one Person.

II. And be it further enacted, That the Entry or Minutes of Council containing any such Order of the Administrator of the Government of this Island, for the time being, in Council, authorizing and requiring any Road, or part of a Road, to be altered, stopped up, or discontinued as aforesaid, or a true Copy thereof, Certified by the Clerk of the Council, shall be received as Evidence of such alteration, stoppage, or discontinuance of Roads, or parts of Roads, having been made pursuant to Law, and shall be deemed and held as final and conclusive in that respect, by all Courts within this Island.

Minutes of Council authorizing the closing, altering, &c. of any Road, or a true Copy signed by the Clerk of Council, to be good evidence of such closing, &c. in all Courts in this Colony.

III. And be it further enacted, That this Act shall continue and be in force for Five Years, and

Limitation of this Act.

from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XXIV.

An Act appointing Commissioners to superintend the re-printing of the Laws of this Island.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Statutes of the Colony are out of Print, and from that circumstance, and the various alterations that have taken place in the numerous Laws now in force, it has become necessary that the Statutes be reprinted:

Preamble.

And whereas it is requisite that this important object should be accomplished without delay—

Commissioners named to carry this Act into effect.

In the event of death or absence, the Lt. Governor, &c. may appoint others.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That for the more speedy execution thereof, the Honorable Robert Hodgson, Charles Binns, Esquire, and William Cullen, Esquire, are hereby appointed Commissioners to carry this Act into effect; and in case of the death or absence of any of the said Commissioners from this Island, the Lieutenant Governor is hereby authorized to nominate and appoint a fit and proper Person in his stead, and the Person so appointed shall have the like Powers and authority as is conferred by this Act upon the Commissioners hereinbefore named.

Commissioners to have full power to contract for Printing the Laws of this Colony.

II. And be it further enacted, That the said Commissioners hereby appointed shall have full power and authority, and they are hereby directed, to agree and Contract with the Person or Persons who will engage, under good and sufficient Security, to Print the Laws of this Colony on the best and lowest terms; having previously given One Month's Notice thereof in the Royal Gazette Newspaper.

Duty of Commissioners, and their power.

III. And be it further enacted, That the Persons so appointed Commissioners as aforesaid, or who may hereafter be appointed, are hereby authorized and required to superintend the Printing of the Laws as aforesaid, and shall have full pow-

er and authority to cause the same to be done and performed, in such way and manner as to the said Commissioners may seem most desirable. And the said Commissioners are hereby authorized to leave out of the Book so to be printed, all Laws the provisions of which have been executed or repealed. Provided, that nothing herein contained, shall authorize the said Commissioners to leave out of the said Statute Book, any Law or Statute from which the Title of any Lands or Tenements is derived, or which in any manner may affect the same.

Commissioners invested with power to sue for Penalties for breach of Contract,

IV. And be it further enacted, That the said Commissioners for the time being, are hereby authorized, in their joint names, to Sue for and recover the Penalty or Penalties contained in any Agreement entered into by them for the Printing as aforesaid, if the Contract so made shall not be faithfully performed and executed; and the said Commissioners are hereby authorized to Agree and Contract with some other Person or Persons for the completion of such Printing. The Penalty so to be recovered to be paid into His Majesty's Treasury, to and for the use of His Majesty's Government.

and agree with some other Person.

Penalty when recovered, how to be applied.

Further Duty of Commissioners.

V. And be it further enacted, That it shall be part of the Duty of the said Commissioners, and they are hereby required, to make a proper and full Analytical Index to the said Laws, to be Printed and Bound up therewith, and to cause Three Hundred Copies of the said Laws and Index, with a correct Marginal Epitome to each Act, to be Printed and Bound in Boards, with Leather backs.

Lt. Governor, &c. with advice of Council to draw Warrants for sums required by Commissioners for the purposes of this Act.

VI. And be it further enacted, That the Lieutenant Governor, by and with the advice of His Majesty's Council, is hereby authorized to draw Warrants on the Treasurer of this Island, from time to time, for such Sums as may be required by the said Commissioners, for the purpose of fulfilling on their part the Contract so to be made and entered into as aforesaid.

CAP. XXV.

An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is expedient that all necessary precautions be taken against the spreading of that destructive Pestilence called Asiatic Cholera, in the event of the same being introduced into this Colony:

Lt. Governor, with advice of Council, to nominate 12 or more Persons resident in Charlotte-Town, to be termed 'the Central Board of Health;' and as many as can be conveniently appointed in different parts of this Island, to form District Boards.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to nominate and appoint Twelve or more fit and proper Persons, resident in Charlotte-Town, who shall form and be termed the Central Board of Health; and as many fit and proper Persons as can be conveniently appointed in different parts of this Island, who shall form District Boards of Health, and shall report to and correspond with the Central Board.

Duty of said several Boards.

II. And be it further enacted, That it shall be the Duty of the said several Boards to meet together as often as need may be, and to divide their respective Districts into Wards, appointing one or more of the Members of the Board to each Ward, who shall have power, at all seasonable times, to enter into and inspect the Dwelling Houses, Out Houses, and Premises of the Inhabitants of the District and Ward, notifying the Inmates of such their purpose; and if they shall find any part of the Premises incumbered with Filth, or other matter liable to engender or propagate Infection, they shall give the Inmates, Tenants or Occupants of such Houses or Places Notice to remove the same, within such time as they may judge reasonable;

and if such Person or Persons so notified shall neglect or refuse so to do, they shall forfeit and pay, for every neglect or refusal, a Sum not exceeding Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace for this Island, and levied by Warrant of Distress and Sale of the Goods and Chattels of the Offender or Offenders —and the Sum so levied and recovered shall be applied to the removal of such nuisance. Provided always, that if the Wardens of such Board of Health shall be of opinion that the Tenant or Occupant is not in sufficient circumstances, and not able to remove the same, or that the same arises from causes not under the controul of the said Tenant or Occupant, then and in such case he or they shall report the same to the Board, who shall take such measures as they may conceive to be necessary and expedient for the removal of the same. And if the same shall not be within the power of such Board, then the said Board shall report the same to the Lieutenant Governor, or Commander in Chief for the time being, who, with the advice and consent of His Majesty's Council, shall take such measures for the abatement or removal thereof as may be expedient.

Persons neglecting or refusing to remove any filth from their Premises when ordered so to do by Board of Health, to forfeit 5*l*.

Mode of recovery of fine.

Proviso.

If Person is not in circumstances to remove nuisance, or if the same arises from causes not under his controul, Wardens to report the same to the Board; And if not in the power of Board to remedy, they are to report the same to the Lt. Governor, &c. who, with the advice of Council, is to take such measures as may be expedient to abate the nuisance.

III. And be it further enacted, That each District Board shall send to the Central Board a Report of the state of the Public Health within their District, at least once in every Month; which said Reports, together with the Report of the Central Board, shall be delivered to the Lieutenant Governor, or other Commander in Chief for the time being.

Each District Board to send to Central Board a Report of the state of the Public Health at least once a month, to be delivered to the Lt. Governor, &c.

IV. And be it further enacted, That should it so happen that any part or parts of this Island should be afflicted with the said Disease, then and in such case it shall and may be lawful to and for His Excellency the Lieutenant Governor, or other Commander in Chief for the time being, by Proclamation, under his Hand and the Seal of this Island, from time to time, to make such Rules, Orders and Regulations, and prescribe such Penal-

If any part of this Island shall be afflicted with Asiatic Cholera, Lt. Governor, may, by Proclamation make Rules, &c.

and prescribe Penalties not

exceeding 50*l.* for neglect thereof;

ties, not exceeding Fifty Pounds in any one case, for the neglect or non-performance thereof, as to the said Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, may seem imperative and necessary—And such Rules, Orders, and Regulations, during the continuance of the Disease, shall have the force and effect of Law, and be considered and obeyed as such, any other Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

such Rules, &c. to have the force and effect of Law, and to be obeyed as such.

Limitation of this Act.

V. And be it further enacted, That this Act shall be and continue in force for One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XXVI.

An Act for repealing an Act of the Thirty-fifth year of the Reign of King George the Third, intituled *An Act for regulating Servants*, and for substituting other Provisions in lieu thereof.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the hereinafter mentioned Act has been found insufficient for the purposes intended:

Repeals an Act of the 35th year of King Geo. the 3d, for regulating Servants.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act for regulating Servants,' be, and the same is hereby repealed.

Contracts for the hire of Servants, if for one month or longer to be in writing, or verbally in the presence of one Witness.

II. And be it further enacted, That from and after the passing hereof, all Contracts that shall be entered into relative to the Hire of Servants, if for the term of One Month, or for any longer period, shall be made in writing, and signed by the Parties thereto, or shall be made verbally in presence of one or more credible Witness or Witnesses.

III. And be it further enacted, That every Servant who shall or may engage to serve for the term of One Calendar Month, or for any longer period, in manner aforesaid, and who shall neglect or refuse to perform the full time for which he or she hath so contracted to serve, or be wilfully absent from his or her said employment, contrary to the true intent and meaning of his or her said Agreement, or shall be absent from his or her said Master's or Mistress's House, without permission first had and obtained, or shall otherwise misconduct himself or herself, every such Servant shall be subject to the loss of his or her Wages, and be liable, on conviction, upon complaint made on Oath before any Two of His Majesty's Justices of the Peace of such neglect or misconduct as aforesaid, to be confined for a period not exceeding One Calendar Month in the common Jail.

Servants so hired neglecting or refusing to perform full time contracted for, or wilfully absenting themselves from their employment, or being absent without leave, or otherwise misconducting themselves, to be subject to loss of wages, and on complaint before a Justice of Peace to be confined in Jail for a period not exceeding one month.

IV. And be it further enacted, That all Masters and Mistresses who shall hereafter hire any Servant or Servants in manner aforesaid, and who shall ill use or ill treat any such Servant so hired, or shall neglect to perform all the conditions on their parts in every such Agreement so made or entered into, every such Servant may and they are hereby authorized to make complaint thereof on Oath before any Two of His Majesty's Justices of the Peace for the County wherein such Servant or Servants has or have been employed; and such Justices shall have power, and they are hereby directed, to inquire into every complaint so made, and to make such order thereon, either by cancelling the Agreement so entered into, or by directing its fulfilment, as to the said Justices shall seem meet; and every Servant so discharged by any Justices as aforesaid, shall be entitled to his or her full Wages for the term so served, to be recovered as hereinafter mentioned; and the Justices are hereby authorized and required to grant a Certificate to every Servant so discharged by them certifying the same, which Certificate shall be considered a sufficient authority for such Servant to be

Masters, &c. ill-treating any Servant, or refusing to perform Contract, on complaint before any Justice of the Peace, such Justice may either cancel Agreement or direct its fulfilment, and Servant to be entitled to full wages for the time served.

Justice to grant Certificate to Servant of discharge, which is to be deemed sufficient authority for

hiring by any other Master, &c. If Servant be discharged for ill treatment, Justice may order Master, &c. to pay a fine not exceeding 5*l.*

legally hired by any other Master or Mistress; and in case any Servant shall be discharged for ill treatment, the Justices before whom complaint thereof shall be made may order the offending Master or Mistress to pay a Fine to the Servant so ill treated, not exceeding Five Pounds.

Servant performing Contract, or being discharged by Justice, to receive full wages for time served, and if not paid agreeable to Contract or order, Servant may recover the same; if under 5*l.* before any two Commissioners appointed to adjudicate in matters of Small Debt; or if above 5*l*, in Supreme Court, where no imparlance or dilatory plea shall be allowed.

V. And be it further enacted, That every Servant who shall or may hereafter be hired as aforesaid, and who shall fulfil the term contracted to be performed, or who shall be discharged as aforesaid, shall be entitled to receive his or her full Wages for the time served; and if the same shall not be paid agreeably to Contract so made as aforesaid, or according to the order made by the Justices as aforesaid, every such Servant shall have power to recover the same in a Summary Way—if under the Sum of Five Pounds, before any Two of the Commissioners appointed to adjudicate in matters of Small Debt, or if above that Sum, in His Majesty's Supreme Court of Judicature—in which Action no Imparlance or dilatory plea shall be allowed, unless the Court shall especially direct the same, on Affidavit shewing the absolute necessity thereof, in order justly to decide the case on its merits.

Person hiring the Servant of another, knowing him or her to be such, or hiring any Servant without a written discharge from his or her last Master, &c. to forfeit a sum not exceeding 5*l.* Master, &c. refusing to give a written discharge,

to forfeit for each offence a sum not exceeding 5*l.* Appropriation of fines.

VI. And be it further enacted, That if any Person whosoever shall, after the passing of this Act, hire the Servant of another, knowing him or her to be such, or shall hire any Servant without a written Discharge from his or her last Master or Mistress, if resident within this Island, being produced, shall, for every such Offence, forfeit and pay to the injured Party or Informer, as the case may be, a Sum not exceeding Five Pounds; and every Master or Mistress refusing to give a written Discharge to any Servant or Servants, after the term contracted to be performed is fulfilled, shall, on Conviction, upon complaint made to any two of His Majesty's Justices of the Peace on Oath, forfeit, for every Offence, a Sum not exceeding Five Pounds, to be paid to such Servant—all which Fines shall be recovered, with Costs, on the Oath

of one or more credible Witness or Witnesses, before any Two of His Majesty's Justices of the Peace, by Warrant of Distress and Sale of the Offender's Goods and Chattels; and for want thereof, the Offender shall be committed to Prison for a period not exceeding Two Calendar Months.

Mode of recovery of fine.

CAP. XXVII.

An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly, relating to Trespasses, and for other purposes therein mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is expedient to consolidate and amend the several Acts of the General Assembly relating to Trespasses:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Sixteenth year of the Reign of His late Majesty King George the Third, intituled 'An Act to prevent Trespasses upon Crown Lands'—and an Act passed in the Twentieth year of the same reign, intituled 'An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town'—and an Act passed in the Twentieth year of the same reign, intituled 'An Act to prevent the cutting of Pine or other Trees without permission of the Proprietor, and to prevent the cutting down and destroying of Fences'—and an Act passed in the Thirtieth year of the same reign, intituled 'An Act to prevent the malicious killing, wounding, or maiming of Cattle'—and an Act passed in the Thirty-fifth year of the same reign, intituled 'An Act to amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled An Act to prevent Trespasses by unruly Cattle and Sheep, and

Repeals Act of the 16th year of King Geo. the 3d, to prevent Trespasses on Crown Lands—and Act of the 20th year of same King, for preventing Trespasses by Horses, &c. and an Act of the last mentioned year of same King, to prevent the cutting of pine or other trees, &c.—and an Act of the 30th year of same King, to prevent the malicious killing, wounding, &c. of Cattle—and an Act of the 35th year of the same King, to amend Act of the 20th year of said King,

to prevent trespasses by Horses, &c. and an Act of the 36th year of the same King, to prevent the robbing of Gardens, &c.—

'for preventing the running of Hogs at large through 'the Town of Charlotte-Town'—and an Act passed in the Thirty-sixth year of the same reign, intituled 'An Act to prevent the robbing of Gardens and 'Orchards, Potato and Turnip Fields, and throwing 'down of Fences, and for amending an Act made 'and passed in the Twentieth year of His present 'Majesty's Reign, intituled An Act for preventing 'Trespasses by unruly Horses, Cattle and Sheep, 'and for preventing the running of Hogs at large 'through the Town of Charlotte-Town'—and an Act passed in the Fiftieth year of the same reign, intituled 'An Act to amend an Act intituled An 'Act to prevent the malicious killing, wounding, 'and maiming of Cattle'—and so much of an Act passed in the Ninth year of the reign of His late Majesty King George the Fourth, intituled 'An 'Act for continuing several Laws near expiring,' as relates to an Act passed in the Fifth year of the Reign of His said late Majesty King George the Fourth, intituled 'An Act for Summary Punish-'ment in certain cases of persons wilfully or malici-'ously damaging or committing Trespasses on Pub-'lic or Private Property'—and an Act passed in the Ninth year of the said last mentioned reign, intituled 'An Act to continue and amend an Act of the Sixth 'year of His present Majesty's Reign, intituled An 'Act to prevent the running at large of Boar Pigs, 'and to restrain Swine from going at large without 'Rings,' be, and the same are hereby respectively repealed.

and an Act of the 50th year of the same King, to amend Act for preventing the malicious killing, wounding, &c. of Cattle,—

and part of an Act of the 9th year of King Geo. the 4th, continuing an Act of the 5th year of the last mentioned King, for Summary Punishment in certain cases—

and also an Act of the 9th year of King Geo. the 4th to amend Act of the 6th year of same King, to prevent the running at large of Boars, Pigs, &c.

Preamble.

II. And whereas sundry Persons have presumed to enter upon and take possession of certain ungranted Lands in this Island, without License duly had and obtained therefor, or being otherwise lawfully authorized thereto:

After publication, Persons in any manner possessing themselves of ungranted Lands,

Be it therefore enacted, by the authority aforesaid, That from and after the publication hereof, all Persons whosoever who shall or may locate, settle, or place any Person or Persons whosoever on such ungranted Lands, or who shall or may occupy any such Lands in any manner whatever, without ha-

ving first obtained a Grant thereof, or License or Leave in writing for that purpose, from the Lieutenant Governor, or other Administrator of the Government for the time being, shall or may be prosecuted for the same, and shall forfeit and pay a Sum not exceeding Twenty Pounds, together with Costs of recovering the same, to be recovered on the Oath of one credible Witness, and to be sued for in the same manner as Debts of the same amount, and applied to and for the use of His Majesty's Government in this Island.

without License from the Lt. Governor, &c. may be prosecuted for the same, and shall forfeit 20*l*.

Mode of recovery and application of fine.

III. And whereas there has been great waste committed of Pine and other valuable Timber Trees in this Island; to prevent which in future—

Preamble.

Be it further enacted, That from and after the publication hereof no Person or Persons shall cut down or fell any Trees or Timber, nor bark or box any Pine or other Trees standing or growing upon any Lands in this Island, nor carry away the same therefrom, without first obtaining a written License from the Owner or Owners thereof, or from their Agent or Attorney, on pain of forfeiting and paying a Sum not exceeding Thirty Shillings for every Tree removed, barked or boxed, together with reasonable Costs of recovering the same—the said Fine to be paid to the Owner or Owners of such Trees, and to be recovered before any one of His Majesty's Justices of the Peace in this Island, provided the Forfeiture shall not exceed the Sum of Five Pounds; but if the same should exceed that Sum, then to be recovered by due course of Law in the Supreme Court of Judicature.

After publication, no Person to cut down or bark Trees growing upon Lands in this Island without written License from the Owner, on pain of forfeiting 30s. for every Tree, and costs.

Mode of recovery of fine.

Provided always, That such Penalties as are last mentioned shall be sued for within Six Calendar Months next after the Offence shall have been committed, and not afterwards.

Proviso. Penalty last mentioned to be sued for within 6 months after offence.

IV. And be it further enacted, That from and after the passing of this Act no Fence shall be deemed sufficient to entitle the Owner to sue for Trespasses committed by any of the animals hereinafter mentioned upon the Lands thereby enclosed, unless the same shall be at least four and a half

No Fences to be deemed lawful unless 4 & ½ feet high, and strong made.

Fence Viewers opinion thereon to be conclusive evidence of its sufficiency.

feet high, and strong and substantial; and the judgment of the Fence Viewers for the District as to its sufficiency shall be conclusive to entitle the Party injured to damages under this Act.

Proviso. Whereground is bounded by a Cape or other inaccessible boundary, Fence Viewer's judgment also to be conclusive. Prosecutions for Trespasses to be commenced within 3 months after offence.

Provided always, That when the ground enclosed is in part bounded by a Cape or any inaccessible natural boundary, the decision of the Fence Viewers of the District as to its being sufficient or otherwise shall be deemed conclusive, and no Person shall be liable to any Prosecution for Trespasses committed as last aforesaid, unless the same shall be commenced within Three Calendar Months next after they shall have taken place.

Owners of Horses, Cattle, &c. breaking into grounds (not being pasture land) lawfully fenced, to be liable to full amount of damage done, and costs.

V. And be it further enacted, That if any Horses, Neat Cattle, Hogs, Sheep, or other Beasts, shall break into any grounds (not being pasture land) enclosed as aforesaid, the Owner or Owners thereof shall, for every such Trespass, make reparation to the party injured to the full amount of the damages he or they shall have sustained, with Costs of suit; and in order to ascertain the amount of such damages, the Party injured may apply to the next Justice of the Peace, who is hereby empowered and required (upon the Oath of the Complainant, or some other credible Witness, as to the damage being done, and also stating who is or are the supposed Owner or Owners, and the description of the trespassing Beasts,) to grant a Warrant under his Hand and Seal to three of the nearest neighbours, empowering and requiring them to go to the grounds so trespassed upon, and to view and appraise the damages, (also giving Notice to the Owner or Owners of the trespassing Beasts, if known, to attend such appraisement,) and to cause the said Appraisers, or any two of them, to return a Certificate to him upon Oath of the amount of the damages; and such Justice of the Peace shall have power, and he is hereby authorized and required, to direct and order a reasonable satisfaction to the said Appraisers for their trouble, according to the distance they shall have travelled, and other circumstances; and which al-

Mode of ascertaining damage.

Mode of recovery of damages.

lowance to the said Appraisers, it is hereby declared, shall be considered as part and parcel of the damages so done to the injured party, and which the Owner or Owners of the trespassing Beasts hereinbefore mentioned shall be obliged to pay; and if not paid within One Calendar Month, the same, with the assessed Damages as aforesaid and Costs, shall be levied by Warrant under the Hand and Seal of the said Justice, on the Goods and Chattels of the said Owner or Owners; and in order that the condition of the Fence at the time of the Trespass committed as aforesaid may be ascertained, (in case the Owner or Owners of the trespassing Beasts hereinbefore mentioned should allege the same to have been insufficient) the proof thereof shall lie upon such Owner or Owners; and in case of such Fence being proved to be insufficient, then and in such case the Owner or Owners of the trespassing Beasts shall not be liable to any damages whatsoever.

Proof of the condition of the fence to be upon the owner of trespassing Cattle, &c.

VI. And be it further enacted, That when the Damages so assessed shall have been done or committed by Cattle belonging to several Persons, then the said Appraisers shall apportion the Damages so assessed amongst the Owners of such trespassing Cattle, the same to be recovered from each as hereinbefore directed; and in case any Appraiser so appointed as aforesaid shall neglect or refuse to yield due obedience to such Warrant of Appraisement, he shall forfeit a Sum not exceeding Ten Shillings, to be recovered on the Oath of one credible Witness, before the Justice who may have issued the same, and to be levied on the Goods and Chattels of such Appraiser, and another shall be appointed in his stead.

Where trespassing Cattle, &c. belonging to several persons, mode of apportioning damages, to be recovered as aforesaid.

Appraiser neglecting or refusing obedience to Justices Warrant to forfeit 10s.

Mode of recovery of fine.

VII. And whereas it frequently happens that some unruly Beast is in the habit of breaking Fences, and that Herds of other Cattle are admitted in consequence of Fences being so broken down, to the great injury of the Owners of such other Cattle, who may be made liable for Damages

Preamble.

occasioned solely by means of one unruly Animal; for remedy whereof—Be it enacted, That from and after the passing hereof, when proof shall be made by three credible Witnesses, residing in any Settlement or District within this Island, to any One of His Majesty's Justices of the Peace, that any such unruly Beast is so at large, it shall and may be lawful for such Justice, and he is hereby directed and required, to notify the Owner of such Beast of the proof so made, and to order the said Beast to be confined; and if after such notice the Owner of any such Beast shall refuse or neglect to take up and keep the same confined, he or she shall be liable to a Fine of Five Shillings for every day such Beast shall be seen at large after the notice so given—the said Fine to be recovered as hereinbefore directed, and paid to the Person who shall sue for the same.

On proof by three Witnesses that an unruly Beast is at large, any Justice may order to confine the same.

Penalty on Owner for neglecting to obey such order

to be recovered as aforesaid. Appropriation of fine.

VIII. And be it further enacted, That the Owner of every such unruly Beast shall, if he or she neglect to take up and confine the same after receiving such notice as aforesaid, be liable to all the Damages occasioned by other Cattle following such unruly Beast into any enclosed ground as aforesaid—the same to be recovered as hereinbefore directed.

Owner neglecting to confine such unruly Beast after notice, to be liable for all damage occasioned by other cattle following same into any enclosed ground.

IX. And be it further enacted, That if any Horses, Neat Cattle or Sheep, shall break into any Pasture Ground fenced in manner hereinbefore specified, the Owner or Owners thereof shall forfeit and pay to the party aggrieved by the same, as follows—that is to say: For every Horse, Three Shillings—for every head of Neat Cattle, Two Shillings—and for every Sheep or Lamb, Sixpence—to be recovered on the Oath of one or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace, together with the Costs of recovering the same; and if any Person shall enter into or pass through any enclosed Field or Garden, without the permission of the Occupier thereof, or some Person duly authorized by him to grant such permission, he or

Horses, Cattle, &c. breaking into any pasture ground Owner to pay 3s. per head for every horse, 2s. for neat Cattle, and for Sheep or Lambs 6d.

Mode of recovery thereof.

Persons passing through enclosed field without permission of Owner, to for-

she shall be liable to a Penalty of Two Shillings and Sixpence for each offence, over and above the amount of all Damages occasioned thereby—to be recovered in the same way and manner as the other Penalties mentioned in this clause are to be recovered.

feit 2s. 6d. for each offence, over and above all damages sustained thereby, to be recovered as the other penalties imposed by this Act.

X. And whereas the running at large of Boar Pigs is found to be highly prejudicial to the breed of Hogs within this Island, and the practice of allowing Swine to go at large without Rings has been found injurious: Be it therefore enacted, That from and after the publication hereof, it shall and may be lawful to and for any Person or Persons whomsoever to take up any Boar Pig of Three Months old or upwards, found at large, and upon complaint made by him or them to the nearest Justice of the Peace within the County or District where the said Boar Pig shall be so found at large, the said Justice is hereby authorized and empowered to cause the same to be Sold by Public Auction, and to pay to the Person or Persons who shall take up the same the proceeds of such Sale, after deducting reasonable Costs and Expenses.

Preamble.

Any person may take up any Boar Pig of 3 months old or upwards, found at large.

Justice of the Peace may cause same to be sold at Auction.

Appropriation of proceeds of sale.

Provided, That no such Pig shall be Sold until the Person who may have taken the same up shall have given at least Three Days' public notice in writing of such intended Sale, by Posting the same up at three of the most public places in the District; and if the Owner of such Pig shall claim the same before Sale, he shall be entitled to have the same returned to him, on payment of a Fine not exceeding Ten Shillings to be determined by the Justice to whom the complaint shall have been made.

Proviso.

3 days notice to be given of such sale.

Owner claiming Pig before sale, may have the same on paying a sum not exceeding 10s. at discretion of Justice.

XI. And be it further enacted, That it shall and may be lawful for any Person whomsoever to take and seize all Swine going at large within any Township or Settlement, or on any of the Highways in this Island, without being ringed in the nose, so as effectually to prevent them from rooting or digging, and upon proof thereof on the Oath

All Swine going at large in any Township or Settlement, without being ringed so as to prevent their rooting or digging, may be taken up,

and on proof before one Justice, Owner to pay a fine of 2s. 6d. for each Pig.

of one or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace for the County in which such Township, Settlement or Highway shall be situated, the Owner thereof shall be by the said Justice fined in the Sum of Two Shillings and Sixpence for every Pig so seized as aforesaid; and if the said Fine shall not be paid within Three Days, or if no Owner shall appear to claim the said Swine, after Notices having been posted up for Three Days at three of the most Public Places within the District, that then the said Justice shall order the said Swine to be Sold, and shall pay the proceeds of such Sale or Fine to the Person or Persons who shall have taken up such Swine, after deducting reasonable Costs and Expenses.

And if fine be not paid, or no Owner appears to claim Swine so taken up after 3 days notice, Justice may order the same to be sold.

Appropriation of proceeds of sale.

Preamble.

XII. And whereas the Seeds of Thistles growing on the land or ground of one Proprietor are frequently driven by the wind and otherwise conveyed upon the lands and grounds of the adjoining Proprietors: Be it therefore enacted, That it shall be lawful for any Proprietor or Occupant of Land at any time between the First and Thirty-first days of July, in each year, by verbal notice in the presence of one Witness, or by notice in writing left at the Dwelling House of the Person to whom it may be addressed, or in case of undivided lands in which several Persons are interested, by Notice to be posted up in the most conspicuous place near to such undivided lands, to require any Proprietor or Occupier of any adjoining Lands or piece of Ground not sown nor being a meadow in crop, or the Persons being interested in such undivided Lands as aforesaid, to destroy or cut down all such Thistles as may be then growing on such adjoining Land or piece of Ground, the Proprietor or Occupier of Land giving such Notice, having himself first destroyed or cut down all Thistles on his own Fields or Grounds adjoining; and if the Thistles so required to be destroyed or cut down are not entirely destroyed or cut down at the expiration of Six Days from the date of such Notice,

Proprietor, &c. of Land between the 1st and 31st of July in each year may require Owner, &c. of Lands adjoining

to destroy all Thistles growing thereon,

he having first cut down all Thistles on his own Land;

If the same be not cut down in 6 days from time of notice,

then it shall be lawful for any Justice of the Peace, upon complaint duly made before him on the Oath of one credible Witness other than the Complainant, or on the confession of the party complained of, to order in writing the Proprietor or Occupier or other Person against whom such complaint shall be made, to destroy or cut down such Thistles within a period to be assigned by such Justice of the Peace, under a Penalty on such Proprietor or Occupier or other Person as aforesaid of Five Shillings for every day such Thistles shall remain standing or growing after the time allowed by the Justice for destroying or cutting the same down, with the Expenses incurred in obtaining such order, and recovering the said Fine—the same to be recovered before the Justice of the Peace who may have granted the order last aforesaid.

Justice of the Peace may order the same to be cut down, within such period as he may appoint, under a penalty of 5s. per day, for every day such Thistles shall remain standing after time limited in order.

Mode of recovery of fine.

XIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously do or commit any damage, injury, or spoil to or upon any Building, Fence, Hedge, Gate, Stile, Guide-post, Mile Stone, or Post-tree, Wood, Underwood, Orchard, Garden, Nursery Ground, Crops, Vegetables, Plants, Land or other matter or thing growing or being thereon, or to or upon Real or Personal Property of any nature or kind soever, and shall be thereof convicted within Six Calendar Months next after the committing of such injury, before any Justice of the Peace for the County or place where such Offence shall have been committed, either by the confession of the party offending, or by the Oath of one or more credible Witness or Witnesses, or of the party aggrieved in the premises (which Oath such Justice is hereby empowered to administer), every Person so offending, and being thereof convicted as aforesaid, shall forfeit and pay to the Person or Persons aggrieved, such a Sum of Money as shall appear to such Justice to be a reasonable satisfaction or compensation for the damage or injury, or spoil, so committed, not exceeding in any case the Sum of Five Pounds over and above the Costs of recover-

If any person shall wilfully or maliciously commit injury on any building, &c. or on real or personal Property, of any nature or kind, and be thereof convicted before any Justice of the Peace for the County where offence committed, to forfeit to the party aggrieved a reasonable compensation for the injury so committed not exceeding 5l. over and above Costs

ing the same, which said Sum of Money and Costs shall be paid to the Person or Persons aggrieved; but in case such Conviction shall take place on the sole evidence of the party aggrieved, then and in such case, such satisfaction and compensation shall be paid into His Majesty's Treasury, towards the support of His Majesty's Government of this Island; and in default of payment of the Sum of Money in which the Offender or Offenders shall have been so Convicted as aforesaid; immediately, or within such time as the Justice shall appoint at the time of Conviction, together with all Costs, Charges, and Expenses attending the Conviction, such Justice shall and may commit such Offender or Offenders to the common Jail, for any time not exceeding Three Calendar Months, unless such Penalty, Costs, and Charges shall be sooner paid and satisfied.

to be paid to injured party, if not recovered on his sole oath. If recovered on sole evidence of party aggrieved, to be paid into the Treasury. In default of payment Offender to be committed to Jail for any period not exceeding 3 months.

Proviso.

Provided always, That if any Damage, Injury, or Spoil shall have been done or committed as aforesaid, to or upon any Church, Chapel, Bridge, Building, Common way, or other Property whatsoever, whether Real or Personal, of a public nature, or wherein any public right is concerned, it shall and may be lawful to or for any such Justice to proceed against and convict the Offender or Offenders within the time aforesaid, and in manner aforesaid, in any Sum not exceeding Five Pounds, over and above the Costs of recovering the same, as to such Justice shall seem just and reasonable, at the instance and upon the information of any Person prosecuting such Offender or Offenders, and to order and direct one Moiety of the Sum forfeited for such Offence to be paid to the Person so prosecuting, and the other Moiety for the use of His Majesty's Government as aforesaid; and in default of payment of the Sum in which any such Offender or Offenders shall have been so Convicted as last aforesaid, together with all Costs, Charges and Expenses attending such Conviction as aforesaid, such Justice shall and may commit such Offender or Offenders to the

If any damage, &c. shall be committed on any Church, Bridge or Building, or any Public Property, Justice may proceed as aforesaid, at the instance of any person prosecuting.

Appropriation of fine if recovered under this Section. If not paid Offender may be committed to Jail, for any period not exceeding 3 months.

common Jail for any time not exceeding Three Calendar Months, unless such Penalty, Costs and Charges shall be sooner paid and satisfied.

Proviso.

XIV. Provided also, and be it further enacted, That if any Person or Persons under the age of Sixteen years shall offend against either of the last two foregoing clauses of this Act, it shall be lawful for the Justice before whom he, she or they shall have been Convicted, in default of payment of the Sum of Money awarded against him, her or them by the said Justice, together with all Costs, Charges and Expenses attending such Conviction, immediately, or within such time as the Justice shall appoint at the time of Conviction, to commit such Offender or Offenders to the Common Jail, there to be kept for any term not exceeding Six Weeks.

Persons under 16 years of age offending against this Act, in default of payment of fine and costs, may be committed to Jail for any period not exceeding 6 weeks.

XV. And for the more easy bringing of Offenders against the Thirteenth and Fourteenth Sections of this Act to Justice—Be it further enacted, That it shall and may be lawful to and for any Constable, and to and for the Owner or Owners of any Property so damaged, injured or spoiled, and to and for his, her or their Servants or other Person or Persons acting by or under his or their authority, and to and for such Person or Persons as he, she or they may call to his, her or their assistance, without any Warrant or other authority than by this Act, to Seize, Apprehend and Detain any Person or Persons who shall have actually committed, or be in the Act of committing, any Offence or Offences against any of the Provisions contained in the said Thirteenth and Fourteenth Sections of this Act, and take him, her or them before any Justice of the Peace for the County or place where the Offence or Offences shall have been committed; and such Justice is hereby empowered and required to proceed and act with respect to such Offender or Offenders in manner by this Act directed.

Offenders against 13th and 14th Sections of this Act may be seized and detained without Warrant by any Constable or Owner of injured Property, or his Servants, and carried before a Justice of the Peace. Justice is empowered to proceed against Offender in manner directed by this Act.

XVI. And for the more easy and speedy Conviction of Offenders against the provisions contain-

Every Justice before whom Conviction is had, to draw up conviction in the following words.

ed in the Thirteenth and Fourteenth Sections of this Act—Be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against the provisions in the said two Sections of this Act contained, shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case may happen, viz:

Form of Conviction.

'*Be it remembered*, That on the
'day of in the year of our Lord
'A. B. is Convicted by and before me
'one of His Majesty's Justices of
'the Peace for the County of for that
'the said A. B. (here state the Offence and the
'time and place when and where the same was
'committed) contrary to the Statute made in the
'Third year of the Reign of King William the
'Fourth, intituled (here set forth the Title of this
'Act;) and I the said Justice do hereby adjudge
'and determine that the said A. B. shall, for his
'said Offence, forfeit and pay the Sum of
'lawful Money of this Island, together with Costs,
'and do order that the same shall forthwith be
'paid by him (here direct the payment, according
'to the above mentioned Sections of this Act.)

'Given under my Hand and Seal, the day and
'year first above written.'

Any Person convicted of any offence against the 13th and 14th Sections of this Act, and having paid penalty or suffered imprisonment may plead conviction in bar of

XVII. Provided always, and be it further enacted, That in case any Person or Persons shall be Convicted of any Offence against any of the provisions contained in the said Thirteenth and Fourteenth Sections of this Act, before any Justice of the Peace, on the complaint or information of any Person or Persons, of Public or Private Property having been so injured, damaged or spoiled, and shall have paid the Penalty, Costs and Charges under such Conviction, or shall have suffered the Imprisonment awarded for non-payment thereof, then and in every such case, such Conviction shall

and may be pleaded in bar of any Action, Suit or Information that shall afterwards be commenced, instituted, or prosecuted for such and the same offence in any Court whatsoever.

any suit or information prosecuted for same offence.

XVIII. And be it further enacted, That when any Person or Persons shall be Convicted on the Oath or Oaths of one or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace, of having wilfully and maliciously cut, maimed or killed, any Horses, Neat Cattle, Sheep or Swine within this Island, it shall and may be lawful for such Justice, and he is hereby authorized, to Fine any such Offender or Offenders in a Sum not exceeding Five Pounds, over and above the Costs of recovering the same; and as a further punishment, such Justice is hereby required to commit every such Offender to Prison for a period not exceeding Thirty Days, nor less than Ten Days, and further, for any term not exceeding Sixty Days, or until such Fine and Costs shall be paid.

Persons convicted on the oath of one Witness before any Justice of having wilfully or maliciously cut, maimed or killed any Horse, Cattle, &c.

to pay a fine not exceeding 5*l.* over and above costs, and to be committed to prison for a period not less than 10 days, nor more than 60 days.

Provided always, That where the Damages shall exceed Five Pounds, the party aggrieved may proceed to recover the same by Action in His Majesty's Supreme Court of Judicature, and therein full double Damages shall be given; and the Offender may be also proceeded against by Indictment, and upon Conviction shall be liable to imprisonment in the common Jail for a period not exceeding Six Calendar Months.

Proviso. When damage exceeds 5*l.* party aggrieved may proceed to recover same in Supreme Court. Double damages to be then given—Offender may be indicted, and imprisoned on conviction for 6 months.

XIX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons so Convicted by any Justice of the Peace as before mentioned of any Offence or Offences against this Act, to Appeal to the Justices of His Majesty's Supreme Court of Judicature, within Forty-eight hours from the time of such Conviction, in the manner permitted to any Defendant in an Act passed in the Second year of His present Majesty's Reign, intituled 'An Act to consolidate and amend the several 'Acts of the General Assembly therein mentioned 'relating to the Recovery of Small Debts,' and up-

Any Person convicted before Justice of the Peace may appeal to Supreme Court. Mode of obtaining appeal,

as permitted in case of Small Debts.

Supreme Court to hear appeal, &c.

on complying with the provisions of that Act in this respect. And the Justices of the said Supreme Court of Judicature, shall hear and determine the matter of such Appeal, and may either confirm or vary, or quash and annul the Judgment or Conviction appealed from, and award such Costs to either party as to the said Justices shall seem just and reasonable; and if upon the hearing of any such Appeal the Judgment of the Justice of the Peace shall be confirmed, such Appellant shall forthwith pay the Penalty and Costs awarded to be paid, or in default thereof shall be committed by the said Court to the common Jail, and shall be subject and liable to the same imprisonment as if no such Appeal had been entered or prosecuted. And in case the Conviction shall be quashed, then the Appellant shall have the like remedy for the recovery of his Costs as is provided in cases where the judgment below is reversed on Appeal in favour of the Appellant, in the said Act for recovery of Small Debts; and the Sureties in any such Appeal shall be liable to have such proceedings taken against them on their Recognizance, in case the Appellant shall abscond, as is provided in like cases under the last mentioned Act.

If judgment of Justice be confirmed, the Appellant to pay penalty and costs, or be imprisoned for the same term prescribed on conviction before Justice of the Peace. If conviction is quashed, Appellant to have his costs as in common Appeal cases from decisions of Justices of the Peace.

If parties convicted before Justices of the Peace do not appeal within the period specified in this Act, not to be entitled to Writ of Certiorari to remove proceedings.

XX. And be it further enacted, That if any Person or Persons Convicted under the provisions of this Act as aforesaid, shall not appeal from the Justices' Conviction within the period hereinbefore mentioned and specified, the Judgment of the Justice before whom such Person or Persons shall have been so convicted, shall be, and is hereby considered absolutely confirmed, and the Person or Persons so Convicted as aforesaid; shall not be entitled to sue out His Majesty's Writ of Certiorari to remove the matter of such Conviction into His Majesty's Supreme Court of Judicature, any Law, Usage or Custom, or any thing herein contained to the contrary notwithstanding.

CAP. XXVIII.

An Act to continue for One Year an Act regulating the practice of the Supreme Court in cases of Replevin.

[Passed, April 6th, 1833.]

WHEREAS it is necessary to continue the Act hereinafter mentioned:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Eighth year of the late King, intituled 'An Act to establish and regulate the practice 'of the Supreme Court of Judicature of this Island 'in cases of Replevin,' and every matter, clause and thing therein contained, be, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.

Act of the 8th year of King Geo. the 4th, establishing and regulating the practice of the Supreme Court in cases of Replevin, continued for 1 year and to the end of the then next Session of Assembly.

CAP. XXIX.

An Act to explain and amend an Act made and passed in the Eleventh year of the late King, for raising a Fund by an Assessment on Land.

[Passed, April 6th, 1833.]

WHEREAS it is necessary to explain certain parts of the said Act:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Treasurer for the time being shall, and he is hereby authorized, on the First day of June, in each and every year during the continuance of this Act, by notice in writing under his hand, to be inserted in the Royal Gazette, in manner provided by the said Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for raising a Fund, by 'an Assessment on Land, for erecting a Govern- 'ment House and other Public Buildings within

Treasurer on the 1st of June in each year to give notice in Royal Gazette as provided in the Act of the 11th year of King Geo. the 4th for raising a Fund by Assessment on Land, calling on Own-

ers, &c. of Lands in arrear to pay tax into his hands or the hands of his Deputies before a certain day, if default be made, mode of further proceeding,

'this Island,' to call on the Owners or Proprietors of Lands to pay into the hands of the Treasurer or his Deputies, to be appointed as hereinafter mentioned, the amount of their respective Assessments, on or before the First day of Hilary Term annually then next following; or, that in default thereof, proceedings will be taken on the last day of that Term by Proclamation in open Court; and unless paid, with Costs, at least Ten Days before the next Term of the said Supreme Court, to be holden at Charlotte-Town aforesaid, then that the said Court will proceed forthwith to Judgment, in the same manner as is provided by the Second Section of the said recited Act.

to be in accordance with 2d Section of before mentioned Act.

Treasurer to appoint Deputies in each County, not to exceed 3 in each.

II. And be it further enacted, That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing under his hand and seal, to nominate and appoint such and so many Deputies for each and every Settlement within this Island, not less than Three for each County, as to the said Treasurer for the time being shall seem meet, and for the faithful discharge of whose Duties he the said Treasurer shall be responsible; and such Deputies shall, and they are hereby required, to open Books of Account for the receipt of the said Assessment; and such Deputies shall, respectively, give Receipts for Assessments, as the Treasurer is directed to do by the said recited Act; and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings, by Proclamation, are to be taken against the Lands of such Defaulter or Defaulters, agreeably to the provisions of the said recited Act, and shall forthwith forward the Assessments received, together with their Books, or true Copies thereof, afterwards to the Treasurer; and the said Deputies shall be allowed for their trouble, at and after the rate of Seven Pounds Ten Shillings for every One Hundred Pounds collected.

Treasurer to be responsible for such Deputies.

Duty of Deputies.

Allowance to Deputies under this Act.

If Sheriff after sale of

III. And be it further enacted, That when the Sheriff or other Officer who shall have Sold any

Lands under the provisions of the said recited Act, for non-payment of Assessment, and that such Lands shall have produced more than sufficient for the payment of such Assessment, the Sheriff or other Officer shall, and he is hereby authorized, to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such Monies, for the benefit of the Proprietor or Proprietors of such Lands; and in case of dispute as to the right of any Claimant to receive such overplus, the same shall be determined in a Summary Way by the Justices of His Majesty's Supreme Court of Judicature of this Island, and any Costs incurred thereby shall be paid by such claimant.

Lands under before mentioned Act, hath Monies in his hands after satisfying judgment and costs, he is to pay the same to Treasurer, who is to hold the same for the Owner of Lands so sold.

IV. And be it further enacted, That this Act shall continue in force during the operation of the said recited Act, and no longer.

Limitation of this Act.

CAP. XXX.

An Act for repealing certain parts of the Act intituled *An Act for the establishing and regulating a* Militia, and for substituting other provisions in lieu thereof.

[Passed, April 6th, 1833.]

WHEREAS it is deemed expedient for the better regulation of the Militia of this Island that certain parts of the above mentioned Act be repealed, and other provisions substituted in lieu thereof:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Second, Fifth, Sixth, Tenth, Eleventh, Fifteenth, Twentieth, and Twenty-eighth Sections of an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled 'An Act for the establishing and 'regulating a Militia,' be and the same are hereby repealed.

Repeals 2d, 5th, 6th, 10th, 11th, 15th, 20th, & 28th Sections of Militia Act of the 20th year of King Geo. the 3d.

II. And be it further enacted, That the Militia

Militia to be formed into Battalions, &c. and to be trained at such times as Lt. Governor shall appoint,

of this Island shall be formed into Battalions, Regiments, Companies, and such smaller Divisions, and shall be called out for the purpose of Training and other Military Exercises, at such times, places, and in such proportions as to the Lieutenant Governor, or Commander in Chief for the time being, shall appear best adapted to the conveniency of the Inhabitants enrolled therein, not exceeding once in each year, except in time of War or other emergency; and that no Commissioned Officer shall reside more than Ten Miles distant from the place of Training, and that no non-commissioned Officer or Private in attending Musters or Drills, shall have to march more than five miles from his place of abode, except in case of War, or other emergency as aforesaid; and in such last mentioned cases it shall and may be lawful for the Lieutenant Governor, or other Commander in Chief for the time being, to issue such further orders to the Commanding Officers of Regiments, Battalions, or Companies, as he may deem requisite, and the safety of the Island may require.

not to exceed once in each year. Commissioned Officer to reside within 10 miles of place of training. Non-Commissioned Officer or Private not to march more than 5 miles to train, except in cases of emergency.

III. And be it further enacted, That the Clerk of each Company, once in every year, shall take a List of all Persons liable to be enrolled in the Militia, living within the Precinct of such Company, and present the same to his Captain or Commanding Officer of the Company to which he belongs—the said Return to be given in on or before the last Tuesday in October in each year, under pain of forfeiting the Sum of Forty Shillings for each default, to be paid to the Captain or Commanding Officer of the Company; and in case of non-payment, the same to be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant from any Justice of the Peace in this Island, who is hereby empowered to grant the same; and in case of no Goods or Chattels whereon to levy the same Fine, then the said Justice is hereby authorized and empowered to commit the said Offender to the Jail of Charlotte-Town, for a period not exceeding Twenty-one Days. And the said Cap-

Duty of Clerk of Company.

Fine on Clerk for neglect of Duty.

Mode of recovery of fine.

tains or Commanding Officers of Companies are hereby required to transmit such Returns, within One Month next thereafter, to the Commanding Officer of the Regiment or Battalion to which they belong, under the Penalty of Five Pounds; and the said Commanding Officers of Regiments or Battalions are hereby required, on or before the First day of January in each year, to transmit the same to such Officer as the Lieutenant Governor shall appoint to receive such Returns.

Duty of Captains or Officers commanding Companies.

Penalty on them for neglect of Duty.

IV. And be it further enacted, That the Commanding Officer of each Company shall order and direct the Clerk thereof to put up Notices in three of the most public places within his Precinct, therein warning the Militia-men of the said Company of the time and place appointed for each Muster; and every Commanding Officer of a Regiment, Battalion, or Company, neglecting to draw forth the Regiment, Battalion, or Company under his command, or to cause the same to be done, or refusing in any way to obey the orders or commands of his Superior Officer, shall, for every such neglect or refusal, forfeit and pay the Sum of Fifty Shillings, and shall also be liable to be dismissed from his situation in such Militia—the said Fine to be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant from the said Superior Officer, directed to the Clerk of the Regiment, Battalion or Company to which such Offender belongs, in manner as directed by the said Act of which this is an amendment; and in case such neglect or refusal should originate with the Commanding Officer of any Regiment, Corps or Battalion, that then and in such case the Warrant shall issue from the Person who shall be appointed as aforesaid by the Lieutenant Governor to receive Returns under this Act.

Mode of warning Militiamen for muster or training.

Commander of any Regiment, Battalion, &c, refusing or neglecting to draw forth the same,

to forfeit 50s. and liable to be dismissed the service.

Mode of recovering of fine.

V. And be it further enacted, That every non-commissioned Officer and Private who shall neglect to appear at any Battalion or Company Muster, agreeably to the provisions of this Act, shall be liable to a Fine of Five Shillings for each and

Non-Commissioned Officer or Private to forfeit 5s, for not appearing at any muster.

every neglect as aforesaid—to be recovered and levied by Warrant of Distress, to be issued by the Captain or other Officer commanding the Company.

Officers commanding Battalions, &c. to be furnished with copy of Militia Laws, and to produce the same at all Musters.

VI. And be it further enacted, That all Officers commanding Battalions and Companies shall, upon their appointment, be furnished with a Copy of the Militia Laws, and shall produce the same, together with a Roll of their Battalion or Company, upon all Musters or Inspections.

Men above forty-five years of age to be formed into reserved Battalions.

VII. And be it further enacted, That all Militia Men above Forty-five years of age, being Privates, shall be enrolled as reserved Battalions or Corps, and shall not be called out for training or otherwise unless when specially ordered and required.

Duty of Person appointed to inspect Militia.

VIII. And be it further enacted, That the Person so appointed by the Lieutenant Governor, or other Commander in Chief for the time being, to receive the Returns as aforesaid from the Officers commanding Regiments or Battalions, shall, when directed, inspect the respective Regiments, Battalions or Companies of Militia, at such times and places as the Lieutenant Governor, or Commander in Chief for the time being, may appoint under the provisions of this Act—which said Person so appointed as aforesaid, shall be paid out of the Treasury of this Island the Sum of Seventy-five Pounds per annum, in lieu of the Salary now attached to the Office of Adjutant General, and in place of all Fees, Charges, or Expenses for travelling to inspect the Militia.

Salary of such Person.

Persons exempted from Militia trainings.

IX. And be it further enacted, That the Persons hereinafter described, be exempted from all Trainings, Watches and Warding (except such as shall voluntary receive Commissions in the Militia), that is to say--the Members and Officers of His Majesty's Council—the Members and Officers of the Assembly—the Chief Justice and other Justices of Courts—Justices of the Peace—Attorney General—Treasurer of the Island—Secretary and Registrar, Chief Surveyor of Lands—Ministers of

the Gospel—Field Officers—the Collector and Comptroller of His Majesty's Customs—Licensed Schoolmasters—constant Ferrymen—one Miller to each Grist Mill, and lame Persons producing Certificates thereof from a Surgeon or Justice of the Peace.

X. And be it further enacted, That all Fines, Penalties and Forfeitures arising by operation of this Act, or of the Act intituled 'An Act for the 'establishing and regulating a Militia' (where the same are not otherwise disposed of,) shall be paid to the Commanding Officer of the Regiment or Battalion, to be applied to the contingent Expenses of such Regiment or Battalion, to be accounted for annually to the Commander in Chief for the time being.

Appropriation of fines imposed by this Act.

CAP. XXXI.

An Act to regulate the SALARY of the TREASURER of this Island.

[Passed, April 6th, 1833.]

WHEREAS it is deemed expedient to establish and fix the Salary to be paid to the Person who may hold the Office of Treasurer of this Island:

Preamble.

Be it enacted, by the Lieutenant Governor, Council and Assembly, That there shall be allowed and paid to the Person who now holds, or shall hereafter hold, the Office of Treasurer of this Island, the Sum of Five Hundred Pounds per annum, currency of this Island, in lieu of all Percentage, Fees, or Emoluments whatsoever—which said yearly allowance or Salary shall be deemed to have commenced and shall be computed from the Fifth day of January last past, from and after which period no other Emolument or Allowance shall be paid to the said Treasurer, other than the Salary provided by this Act.

Treasurer of this Island to be paid 500*l.* per annum, in lieu of all percentage, Fees, &c.

to commence from 5th January last.

CAP. XXXII.

An Act for the regulation of the Public Wharf of Charlotte-Town.

[Passed, April 6th, 1833.]

Lt. Governor, &c. in Council, to appoint a Wharfinger for public Wharf in Charlotte-Town,

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, and he is hereby authorized, by and with the advice of His Majesty's Council, to appoint a fit and proper Person to act as Wharfinger of the Public Wharf of Charlotte-Town, which Wharfinger so to be appointed shall receive and be paid out of the Monies in the Public Treasury of this Island, the Sum of Forty Pounds per annum, for his services during the time he may hold the said appointment.

Wharfinger to have 40*l.* per annum.

II. And be it further enacted, That it shall and may be lawful for the said Wharfinger to ask, demand, take and receive, for all Vessels, except His Majesty's Ships and the Government Packet Boat, whilst careening, loading, unloading, or lying fast to the said Wharf, the following Rates per diem (Sundays excepted,) that is to say:

Rates of Wharfage for all Vessels excepting His Majesty's Ships and Government Packet Boat.

Vessels of Ten Tons, and under Twenty Tons, One Shilling.

Vessels of Twenty Tons, and under Forty Tons, One Shilling and Sixpence.

Vessels of Forty Tons, and under One Hundred Tons, Two Shillings and Sixpence.

Vessels of One Hundred Tons, and under Two Hundred, Three Shillings and Sixpence.

Vessels of Two Hundred Tons and upwards, Six Shillings.

For Lighters, per load, Eightpence.

Proviso.

No Wharfage to be paid after the close of the navigation.

Provided nevertheless, That no Vessel shall be subject to the payment of Wharfage so long as the navigation shall remain closed by ice, except when undergoing repairs in the Spring, as hereinafter mentioned.

III. And be it further enacted, That every Ship or Vessel which shall at any time only be fast to the aforesaid Wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for and suffer any other Ship or Vessel to load, unload, or careen thereat; and on refusal or failure so to do, after due notice and request thereof to the Master or Commander, or to any one of the Owners of such Ship or other Vessel, he or they shall forfeit and pay to the Wharfinger a Sum not exceeding Five Pounds for each and every neglect or refusal, upon due proof thereof being made upon the Oath of the said Wharfinger before any one of His Majesty's Justices of the Peace.

Vessels to be removed on request and notice; to make room for another.

Penalty on Master, &c. refusing to remove.

Mode of recovery thereof.

IV. And be it further enacted, That every Ship or other Vessel that shall make fast to any other Ship or Vessel that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs prior to or subsequent to the opening of the navigation, shall be subject and liable to pay the one half of the Rates that such Ship or other Vessel so fastened should and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded, or careened.

Vessel made fast to another or undergoing repairs only to pay half Wharfage.

V. And be it further enacted, That if the said Wharf shall at any time be so encumbered with Lumber, Coals, Bricks, or any other species of Goods, so as to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel, then and in that case the Wharfinger shall personally warn, or by notice in writing to be left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks, or other Goods, their Agent or Agents, requiring him or them to remove the same from thence within a reasonable time; and if the same shall not be removed accordingly, the Wharfinger, by himself or his Agent or Agents, is and are hereby empowered to

remove the same, and keep them in his custody until the whole Charges attending the removal be paid by the Owner or Claimant of such Goods; and in case the Owner or Agent is not to be found, the Wharfinger may and shall at his discretion remove the said Goods as is herein before directed.

Duty of Wharfinger.

VI. And be it further enacted, That the said Wharfinger is hereby empowered to cause to be removed all obstructions which may be placed on either side of the said Wharf in a line with Queen Street, at the expense of the Person causing such obstruction; and to prevent to the utmost of his power the Master or Owner of any Ship, Vessel, Lighter or Boat, or any other Person, from throwing or unloading any Stones, Gravel, Ballast, Oyster Shells, Rubbish, or any other thing that will not float, into the water within the limits aforesaid; and the said Wharfinger is hereby authorized and required to prosecute any Person so offending, who shall, upon due proof thereof, before any One of His Majesty's Justices of the Peace, forfeit and pay for every such Offence a Sum not exceeding Five Pounds, besides being liable to an Action for the Damage that any Vessel or Cargo may sustain thereby.

Further duty of Wharfinger.

Wharfinger to demand Wharfage daily.

Proviso.

Agent of Vessel only liable when account is delivered.

VII. And it shall and may be lawful to and for the said Wharfinger, during the time that any Ship or Vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day to ask, demand, and recover from the Master or Commander, Owner or Agent of the said Ship or Vessel, the several Rates of Wharfage to which the said Ship or Vessel shall or may be liable. Provided, that such Agent or Agents of such Ship or Vessel shall be liable to pay the same only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the Money demanded of him or them, or his or their Clerk before the sailing or departure of such Ship or Vessel from port, any thing herein contained to the contrary notwithstanding.

VIII. And be it further enacted, That the Wharfinger so to be appointed is hereby required to furnish an Account on Oath, and pay over to the Treasurer of this Island, quarterly, that is to say—on the First Monday in January, the First Monday in April, the First Monday in July, and the First Monday in October, in each and every year, all Monies that may come into his hands, either for Wharfage or Fines imposed by this Act, under a Penalty of Twenty Pounds for each and every neglect or refusal, the same to be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island, and shall also be liable to be displaced from his situation as Wharfinger; which said Wharfage, Fines and Penalties shall be applied towards payment of the said Wharfinger's Salary and the necessary repairs of the Wharf, and to and for such other uses and purposes as shall or may hereafter be authorized and directed in and by any Act or Acts of the Legislature of this Island; and for each and every neglect of the other Duties imposed on him by this Act, he shall forfeit and pay a Sum not exceeding Five Pounds, to be recovered before any Two of His Majesty's Justices of the Peace, to be applied as hereinbefore directed.

Wharfinger to furnish account to Treasurer quarterly, viz. 1st Monday in January—1st Monday in April—1st Monday in July—1st Monday in October, of all Monies by him received.

Penalty for neglecting so to do.

Mode of recovery thereof.

Appropriation of penalty.

Penalty on Wharfinger for other neglect of Duty.

IX. And be it further enacted, That all Fines and Penalties arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger, shall be recovered, together with Costs, upon the Oath of the said Wharfinger or any other credible Witness, before any One of His Majesty's Justices of the Peace—to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the common Jail, for a period not exceeding Two Calendar Months.

Mode of recovery of fines imposed by this Act.

X. And be it further enacted, That if any Lumber or other Goods shall be laid or left upon the Wharf contrary to the directions of the Wharfinger

Persons incumbering Wharf contrary to directions of Wharfinger

for the time being, the Party so offending shall be liable to a Fine not exceeding Forty Shillings, with Costs, to be recovered as last hereinbefore mentioned, over and above the Charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is hereinbefore authorized to do.

to forfeit 2*l.* and costs.

Mode of recovery thereof.

XI. And be it further enacted, That the Person in charge of any Vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the Gib Boom and Main Boom of such Vessel, or either of them, to be struck or taken on board of the said Vessel, under a Penalty not exceeding Twenty Shillings; and if the Owner, Master, or Person in charge of any Vessel shall allow such Vessel, through neglect or otherwise, to injure the said Wharf, such Person shall be liable, for every such Offence, to a Fine not exceeding Twenty Shillings, over and above the amount of Damage thereby done to the said Wharf—the said Fines to be recovered, together with Costs, before any One of His Majesty's Justices of the Peace—and the Damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger by Action in His Majesty's Supreme Court of Judicature of this Island; and if under that Sum, then to be recovered before any One of His Majesty's Justices of the Peace.

Wharfinger to give directions respecting Vessels.

Penalties on Persons refusing to comply therewith.

Mode of recovery thereof.

XII. And be it enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Limitation of this Act.

CAP. XXXIII.

An Act to repeal the several Acts relating to LICENSES for Retailing Strong and Spirituous Liquors, and to make other Provisions in lieu thereof.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled, 'An Act prohibiting the Sale by Retail of 'Rum or other Distilled Spirituous Liquors, without first having a License for that purpose, and 'for the due regulation of such as shall be licensed' —and an Act made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act in addition 'to and amendment of an Act made and passed in 'the Thirteenth year of His present Majesty's 'Reign, intituled An Act prohibiting the Sale by 'Retail of Rum or other Distilled Spirituous Li-'quors, without first having a License for that pur-'pose, and for the due regulation of such as shall 'be licensed'—and also an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled 'An Act 'for granting Licenses to Tavern or Inn-keepers 'and Store-keepers, and for regulating Persons 'licensed, and to suspend the operation of the Acts 'therein mentioned'—and an Act made and passed in the First year of the Reign of the present King, intituled 'An Act to amend an Act made 'and passed in the Eleventh year of His late Ma-'jesty's Reign, intituled An Act for granting Li-'censes to Tavern or Innkeepers and Storekeepers, 'and for regulating Persons licensed, and to sus-'pend the operation of the Acts therein mentioned '—and to suspend part of an Act passed in the 'Thirty-fifth year of the Reign of King George

Repeals Act of the 13th year of King Geo. the 3d, prohibiting the sale of Spirituous Liquors by retail without License, &c.

and an Act of the 25th year of the same King, in addition to, and amendment thereof.

and an Act of the 11th year of King Geo. the 4th, for granting Licenses to Tavern-keepers, &c.—

and also an Act of the 1st year of His present Majesty's Reign, in amendment of said last mentioned Act.

'the Third, intituled 'An Act for regulating Ser-'vants,' be, and the same are hereby respectively repealed.

After the 1st July, 1833, Licenses granted to Tavern-keepers on certain conditions, and to be inserted in such Licenses, conditions required for License in Charlotte-Town.

II. And be it further enacted, That from and after the First day of July next, no License shall be granted for keeping any Tavern or Inn within this Island on any other than the following conditions, which shall be inserted in the said License, that is to say—that the Person to whom such License shall be granted, shall keep at all times during the continuance of such License, in his or her Tavern or Inn, if in Charlotte-Town, four good and sufficient Feather Beds and Bedding, for the accommodation of Travellers, with good Stalled Stabling and necessary and wholesome Provender for Six Horses; and if in the Country, two such Beds with Bedding, and the like good Stalled Stabling and Provender for Six Horses.

Conditions required for License in the Country.

Proviso. Persons applying for License to produce a Certificate from 2 Justices of the Peace of their having the accommodation required, and that they had made an affidavit.

Provided always, That before any such License shall be granted, the Person or Persons applying for the same shall produce a Certificate from two neighbouring Justices of the Peace, verifying that he, she or they, hath or have, in all respects, the accommodations herein before required, and also hath or have taken and subscribed the following Affidavit:

Form of Affidavit.

'I of in the Town or County '(as the case may be) of do swear, that 'the Beds and Stable accommodations now exhibit-'ed are for the use of Travellers who may stop at 'this Tavern: So help me God.'

Persons neglecting to keep the accommodation required, to forfeit 2*l*.

And any Person or Persons obtaining such License, and neglecting to keep the said accommodations, or shall refuse to accommodate Travellers to the extent thereof, shall, upon Conviction, on every Complaint thereof made on Oath before any One of His Majesty's Justices of the Peace, forfeit and pay the Sum of Forty Shillings.

After the 1st July, 1833, Lt. Governor authorized to

III. And be it further enacted, That from and after the First day of July next ensuing, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the

time being, to grant Licenses to Retail Fermented or Distilled Spirituous Liquors, and that the rate or price of such Licenses yearly shall be as follows, that is to say—for any Person keeping a Tavern or Inn in Charlotte-Town, having the accommodations herein before required, the Sum of Five Pounds; and for any Person keeping a Tavern or Inn in the Country, having the accommodations as hereinbefore required, the Sum of Forty Shillings; and for any Person not keeping such Inn or Tavern, but who shall require a License for the Sale of Fermented or Distilled Spirituous Liquors in quantities not less than One Quart, the Sum of Three Pounds Ten Shillings; and for any Person not keeping such Inn or Tavern, but who shall require a License for the Sale of Fermented or Distilled Spirituous Liquors, by Retail, in less quantities than One Quart, the Sum of Twelve Pounds—all which Sums respectively shall be paid into the Treasury of this Island for the use of His Majesty's Government (over and above the usual Fees of Office), the same to be appropriated as may hereafter be directed in and by any Act of the Legislature of this Island.

grant retail Licenses.

Rate of License duty for Tavern-keepers in Charlotte-Town.

Rate of License Duty payable by Tavern-keepers in the Country.

Rate of License Duty payable by Retailers of not less than 1 quart.

Rate of License Duty payable by Retailers of less quantities than 1 quart.

Mode of appropriation of License duty.

IV. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government, from time to time, to grant Licenses at any period of the year to Storekeepers only for the term of Six Calendar Months, at a rate proportionable to that on which similar Licenses are granted for one year; but that if any such License or Licenses do not otherwise terminate, the same shall respectively expire on the First day of July in every year, any thing in such License contained to the contrary notwithstanding.

Lt. Governor, &c. may grant Licenses to Store-keepers for 6 months.

Termination of such Licenses.

V. And be it further enacted, That any Person or Persons who shall Retail any Fermented or Distilled Spirituous Liquors in less quantities than Two Gallons without having first obtained a License to that effect, shall, for the first Offence, forfeit and pay the Sum of Five Pounds, and for eve-

Penalty on unlicensed Retailers for first, second, and every other offence,

ry succeeding Offence, the Sum of Ten Pounds; and any Person who shall have obtained License to sell in quantities not less than One Quart, contrary to the true intent and meaning of this Act, or shall suffer any Fermented or Distilled Spirituous Liquors Sold by him, her or them, to be drank in his, her or their House, Shop, or Store, shall forfeit and pay, for the first Offence, the Sum of Five Pounds, and for the second Offence, the Sum of Ten Pounds, with the forfeiture of his, her, or their License.

Penalty on licensed Retailers of not less than one quart, selling less than that quantity, or suffering any Liquor to be drank in their Houses, &c. Penalty for second offence.

VI. And be it further enacted, That all Persons within this Island, or the Territories thereunto belonging, who shall, from and after the publication hereof, agree or Contract with any Artificer, Journeyman, Servant, Labourer, or other Person employed by them, to pay such Artificer, Journeyman, Servant, Labourer, or other Person, any part of his or their wages in Rum, or other Distilled Spirituous Liquors, or shall set off or deduct all or any part of the wages so due to them respectively for any or either of those articles so paid or delivered, shall be deemed unlicensed Retailers, within the true intent and meaning of this Act; and shall, for the first, second, and every other succeeding Offence, be subject to all and singular the Penalties, Forfeitures, and Punishments that are herein before enacted against unlicensed Retailers; and all such Artificers, Journeymen, Servants, Labourers, or other Persons, shall be entitled to his, her, or their whole Wages, notwithstanding any such Agreement, Sett-off, or Deduction, and shall have the like remedy in Law for the recovery of the same, as if all or any part of such Wages were not paid, or in any manner satisfied.

Persons paying, deducting, or setting off all or any part of the wages of Artificers, Servants, &c. in Spirituous Liquors, to be deemed unlicensed Retailers, and to be proceeded against as such.

Artificers, Servants, &c. so aggrieved, to be entitled to the whole of their wages or hire.

VII. And be it further enacted, That all Persons having Licenses as aforesaid who shall take or receive any pawn or pledge whatsoever, by way of Security for the Payment of any Sum or Sums of Money owing for Rum, or other Distilled Spirituous Liquors, shall, upon complaint on Oath before

Pledges for payment of debts contracted for Spirituous Liquors to be restored.

any of the said Justices of the Peace, and in virtue of his direction and order thereupon, be compelled to restore the said pawn or pledge to the Pawner thereof; and the Pawner shall also be exonerated from the payment of the Sum for which the said pawn or pledge was made; and if the said Pawnee shall have destroyed or otherwise disposed of the said pawn or pledge, that then and in such case the said Justice to whom such complaint may have been made, shall order the full value thereof at the time of making the same to be paid to the Pawner, and which value may be ascertained and established on his Oath only; and if such Pawnee should refuse or neglect to obey such order, the said Justice may thereupon issue a Warrant of Distress, to levy by Sale of the said Pawnee's Goods and Chattels, to the value so as aforesaid proved, together with all the Costs attending the same. Provided nevertheless, that such complaint be exhibited and made within Three Months next after the time of making such pawn or pledge.

if destroyed or disposed of, the value thereof to be paid.

Complaint to be exhibited within three months.

VIII. And whereas much inconvenience and loss of Property has heretofore been sustained by Travellers with Sleighs, Carioles, Carts, and other Carriages, from Pigs, Sheep, Cattle, and other animals running at large about Houses of Entertainment:

Preamble.

Be it therefore further enacted, by the authority aforesaid, That every Person keeping a Tavern or Inn in the Country shall have a place enclosed for the exclusion of all such animals, with gates or bars for the free ingress and egress of all such Sleighs, Carioles, Carts, and other Carriages belonging to Travellers who may have occasion to call at such House for refreshment, on pain of forfeiting, for every complaint on Oath, the Sum of Twenty Shillings.

Tavern-keepers in the Country to provide an enclosed place for the use of Travellers on pain of forfeiting 1*l.* for each offence.

IX. And be it further enacted, That all Persons who, either themselves or by their Wives, or by any of their Children or known or reputed Servants or substitutes under them, shall, directly or indirectly, Sell any Fermented or Distilled Spiri-

Persons selling Fermented or Spirituous Liquors by themselves, Servants, &c. in

other place than where they reside, although possessing a License,

tuous Liquors by virtue or under pretence of any License obtained as in this Act is directed, in any other place whatsoever than at the House or place where such Person or Persons themselves shall actually and constantly reside and dwell, upon pain that, on Conviction thereof, he, she, or they shall be subject and liable to the like pains and penalties as Persons Convicted of Selling Spirituous Liquors without License are by Law made subject and liable to.

liable to the fine imposed on unlicensed Retailers.

No Licensed Tavern-keeper or Retailer to sell Spirituous Liquors on a Sunday except to Lodgers.

X. And be it further enacted, That no Licensed Tavernkeeper or other Retailer shall Sell to or supply any Person or Persons, except Lodgers and Boarders in the House of any Licensed Tavernkeeper, or knowingly suffer him, her or them to be supplied with Spirituous Liquors of any kind on the Lord's Day, commonly called Sunday, on pain of forfeiting, for the first Offence, the Sum of Twenty Shillings, and for every succeeding Offence the Sum of Two Pounds.

Penalty for first and second offence.

Licensed Tavern-keepers to have Sign Boards.

XI. And be it further enacted, That all Licensed Tavernkeepers shall cause Sign Boards to be affixed over their doors outside, or on some other conspicuous part on the outside of their Houses, with the name of the Party so Licensed, and the words "Licensed Tavernkeeper" painted thereon, under the Penalty of Twenty Shillings.

Penalty for neglecting so to do.

Imposes a penalty for refusing to give evidence when required.

XII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, and he is hereby authorized, to Summon before him any Person or Persons to give Evidence relative to any breach of this Act, or any part or clause thereof, except the Party, his Wife, or Children, who may so Sell or supply Liquor against its enactments, or his, her, or their confidential Clerk; and any Person or Persons who shall or may refuse to attend and declare on Oath, when thereto required, his, her, or their knowledge of the Premises, shall forfeit and pay a Sum not exceeding Five Pounds.

XIII. And be it further enacted, That all Penalties, Fines and Forfeitures inflicted by this Act,

shall and may be recovered, if not exceeding Five Pounds, before any One of His Majesty's Justices of the Peace, on view, or on the Oath of the Informer, or any other credible Witness or Witnesses; and if exceeding the Sum of Five Pounds, then before Two Justices of the Peace—all which said Fines and Penalties shall be recovered over and above the Costs attending the recovery thereof.

Mode of recovery of fines imposed by this Act.

XIV. And be it further enacted, That one half of the Monies arising from the several Penalties, Fines and Forfeitures inflicted by this Act, shall be paid into the hands of the Treasurer of this Island, to and for the use of His Majesty's Government, and the other half shall belong and be paid to him, her or them who shall inform and sue for the same.

Application of fines recovered under this Act.

XV. And be it further enacted, That all Prosecutions in pursuance of this Act, for Penalties, Fines and Forfeitures, shall be commenced within Three Months after the same shall have been incurred.

Prosecutions for fines under this Act to be commenced within 3 months.

XVI. And be it further enacted, That no Licensed Retailer shall be deprived of his License except by Judgment rendered by Two or more of His Majesty's Justices of the Peace, upon complaint to them made of the irregularity or improper behaviour of such Licensed Retailer, the said Judgment being grounded upon a Summons duly issued by the said Justices, requiring such Retailer to appear before them, and upon proof made of the charge therein contained; and thereupon it shall and may be lawful for the said Justices to suspend the License of such Retailer, or wholly to vacate and make void the same, as they shall or may in equity and good conscience see cause.

Licensed Retailers not to be deprived of License except by judgment of 2 or more Justices of the Peace.

XVII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any of the said Justices, or other Officer or Person, for doing or causing to be done any thing in pursuance of this Act, the Defendant in such Actions may plead the general issue, and give the special matter in evidence.

Suits brought against Justices, &c. for any thing done in pursuance of this Act, Defendant may plead the General Issue and give special matter in evidence.

Penalty on Justices omitting their duty.

XVIII. And be it further enacted, That if any of the said Justices or other qualified Person shall wilfully omit the performance of his duty in the execution of any part or clause of this Act, he or they so offending shall forfeit and pay the Sum of Ten Pounds, one Moiety thereof for the use of the Informer, and the other Moiety to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Application of Penalty.

Appeal allowed from Judgment of Justices of the Peace.

XIX. And be it further enacted, That all Persons deeming themselves aggrieved at the sentence or determination of any of the said Justices, relative to any of the Offences before mentioned, may Appeal therefrom to His Majesty's Supreme Court—provided such Appeal be prayed in Forty-eight Hours, and Security given in manner as the Law in such cases directs in regard to the Recovery of Small Debts.

Proviso.

Not to prevent Lt. Governor, &c. from granting free Licenses.

Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent the Lieutenant Governor, or other Administrator of the Government for the time being, to grant a free License to Retail Fermented or Distilled Spirituous Liquors to any Person or Persons to whom he may judge it expedient to grant the same.

Mode of proceeding against Persons convicted before Justices of the Peace under this Act.

XX. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace, before whom any Person or Persons shall be Convicted of any Offence committed against the provisions of this Act, to order the payment thereof; and in default of payment of the Fine or Penalty adjudged to be paid by the said Person or Persons so Convicted as aforesaid, when directed by the said Justice or Justices, to issue a Warrant of Distress against the Goods and Chattels of the said Person or Persons for the amount of the said Fine or Penalty, and Costs, and cause the same to be Sold to satisfy the said Fine, Penalty and Costs; and in case no Goods or Chattels shall be found whereon to Levy the same, the said Justice or Justices shall and may commit the Person or Persons so Convicted, to the Jail of Charlotte-Town,

or to any other Jail within this Island near to where the Offence or Offences may have been committed, for a period not less than One Calendar Month, nor exceeding Two Calendar Months.

XXI. And be it further enacted, That no Retailer or Person whatsoever having a License to retail Spirituous or Fermented Liquors, shall knowingly harbour or suffer any Apprentice or Servant whatsoever to sit drinking in his or her House, nor sell or give him, her or them, nor suffer to be Sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses, on pain of forfeiting, for each and every Offence, a Sum not exceeding Twenty Shillings, to be recovered, together with Costs, upon Conviction before any one of His Majesty's Justices of the Peace within the County where the offence shall be committed—the payment of said fine and costs to be enforced as is hereinbefore directed, and which fines shall be paid into the Treasury of this Island to and for the use of His Majesty's Government.

Licensed Retailers allowing Servants or Apprentices to drink within their houses without the leave of their Masters, &c.

to forfeit 1*l.* for each offence.

Mode of appropriation of fines.

XXII. And be it further enacted, That no unlicensed Retailer of Spirituous Liquors shall hereafter maintain any action or suit for the recovery of the price of any Spirituous Liquors sold by him, her or them, in less quantities than Two Gallons.

No action to be maintained for the price of any Spirituous Liquors sold in quantities less than 2 Gallons.

CAP. XXXIV.

An Act to continue for one year an additional Duty imposed on WINES and SPIRITUOUS LIQUORS imported into this Island.

[Passed, April 6th, 1833.]

WHEREAS it is considered expedient and necessary that the Duties now payable on all Wines, Gin, Brandy, Rum, and other distilled Spirituous Liquors, imported into this Island,

Preamble.

should be continued for a further term of one year:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Seventh day of May next ensuing, the following Duties shall be paid on the several articles hereinafter mentioned—that is to say, on all Wines of every denomination, and on all Gin, Brandy and Rum imported into this Island, and on all other Distilled Spirituous Liquors, except as hereinafter mentioned, Five-pence per Gallon, over and above the sum of Ten-pence per Gallon payable on all such Liquors imported into this Island under two several Acts, one made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act to amend, render more effectual, and to 'reduce into one Act the several Laws made by the 'General Assembly of this Island relative to the 'Duties of Impost on Wines, Rum, Brandy and 'other Distilled Spirituous Liquors, and for allow-'ing a Drawback upon all Wines, Rum, Brandy, 'and other Distilled Spirituous Liquors exported 'from this Island;' and the other made and passed in the Thirty-fifth year of the same Reign, intituled 'An Act for raising a Duty on Wine, Rum, 'and other Distilled Spirituous Liquors, and for 'imposing a Duty on Porter, Ale, and strong 'Beer'—which said several Duties shall be secured and collected, in manner and form, and subject to the rules and regulations mentioned and expressed in the first of the before mentioned Acts, and as hereinafter expressed and set forth.

On all Wines, Gin, &c. imported into this Island (except as hereinafter excepted) 5d. per Gallon to be paid over and above the sum of 10d. per Gallon imposed by Permanent Revenue Acts.

to be paid and secured and collected under the rules of the Act of the 25th year of King Geo. 3d, first mentioned.

Provided always, that all Rum imported into this Island from the West Indies or South America direct, shall be liable only to the payment of an additional Duty of Two-pence per Gallon, if the same shall have been purchased by, bartered or exchanged for, articles growing, raised, produced or manufactured within this Island, or with Fish caught on its shores or cured in the said Island, and loaded in any of its Ports, and carried or ship-

Proviso. Rum imported from West Indies, &c. direct, only to pay 2d. per gallon, if the same shall have been bartered or exchanged for articles the growth or produce of this Island, or for

ped from the said Island. And provided also, that every Owner or other Person who shall import into this Island any Rum, as last hereinbefore mentioned, in order to obtain the benefit of this Act shall, within Twenty-four hours after such importation, deliver to the Collector of Impost for the Port where the said Vessel shall enter, an Invoice specifying therein the quantity of such Rum, and shall, at the foot of such Invoice, make and subscribe the following affidavit or affirmation—

Fish caught on its Shores, or cured therein or landed in its Ports, or shipped therefrom. Proviso. Importer within 24 hours after importation, to deliver Collector an Invoice specifying quantity, and to swear the following oath.

'I A. B. do swear (or affirm), that the foregoing 'Invoice is just and true, and that the said Rum, 'and every part thereof, was actually purchased in 'the West Indies or South America, with the pro-'ceeds of certain articles the growth, produce or 'manufacture of this Island, or with Fish caught or 'cured on its shores, and loaded in one of its Ports, 'and carried from the same; or bartered and ex-'changed for articles the growth, produce or manu-'facture of the said Island, or for Fish caught on its 'shores, or cured on the said Island, and loaded in 'one of its Ports, or carried from the same.'

Form of Importer's oath.

And if any Person or Persons shall, with intent fraudulently to take advantage of the benefits and provisions of this Act, make or affirm the foregoing affidavit falsely, such Person or Persons, on due conviction thereof, shall suffer the pains and penalties by Law appointed for Persons guilty of wilful and corrupt perjury.

Persons swearing oath with intent to defraud, on conviction to suffer the pains inflicted on persons guilty of perjury.

II. And be it further enacted, That if any Rum shall be imported into this Island, and shall be falsely represented by the Person importing the same as having been purchased with, or bartered or exchanged in the West Indies or South America for, articles the growth, produce, or manufacture of this Island, or for Fish caught on its shores, or cured thereon, and loaded in any of its Ports, and carried or shipped from the same, then the whole of the said Rum, so falsely represented to have been purchased, bartered or exchanged as aforesaid, shall be forfeited, and the Master of the Vessel importing

If any Rum be falsely represented by Importer as having been bought or bartered with produce, &c. of this Island, the same to be forfeited

the same, or Owner, or other Person, so falsely representing the same to have been purchased, bartered, or exchanged as aforesaid, shall be liable to a penalty of Fifty Pounds, one half of such forfeiture and penalty to be paid to His Majesty, to and for the use for which the said rates and duties are granted, and the other half to the Person who shall and may sue for the same; and that any Verdict or Conviction for such Penalty shall be over and above all Costs of suing for the same, to which the Informer shall be, and is hereby entitled.

and the Master of Vessel or Owner or other Person making such false representation, to be liable to a penalty of 50*l*. Appropriation of penalty.

Proviso. Nothing in this Act to interfere with any Act of the Imperial Parliament in force in this Island relative to the collection and appropriation of duties.

Provided always, That this Act or any thing therein contained, shall not extend, or be construed to extend, to interfere with the provisions and regulations of any Act of the Imperial Parliament in force in this Island, so far as the same relates to the Collection and Appropriation of any Duties upon any of the Articles specified and charged with Duties in this Act, or in any of the Acts hereinbefore mentioned.

Drawback on all Wines, &c. equal in amount to 7/8ths of duties, to be allowed on exportation.

III. And be it further enacted, That from and after the Seventh day of May next, there shall be allowed and paid a Drawback on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors which shall be imported into this Island, on the exportation of the same therefrom, a sum equal in amount to Seven-eighths of the Duties imposed by this Act, or the said before mentioned Acts, on such Articles, on the arrival of the same in this Island.

If Duties have been paid prior to exportation, drawback to be paid to Exporter

and if only secured, credit to be given on back of security.

Proviso.

IV. And be it further enacted, That such Drawback on all Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon, as last aforesaid, shall have been *bona fide* paid prior thereto; and in the same currency or description of Money as Warrants shall then be payable at the Treasury; and if only secured to be paid, credit shall be given on the back of the Security for the Drawback hereby allowed on the quantity exported. Provided, that before the exportation of any of the before mentioned arti-

cles from this Island, on which a Drawback is allowed as aforesaid, the Collectors of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such Exportation to be made therein, stating the names of the Importers and Exporters, and the quantity permitted thereby to be exported; and no Drawback shall be paid or credited to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit from the principal Officer of His Majesty's Customs at the port to which the same shall or may have been carried, or from some Officer or Officers there, duly authorized to grant the same, expressing such Wines, Brandy, Gin, Rum, or other Distilled Spirituous Liquors to have been there actually landed, and the Duties thereon duly paid, or secured to be paid, according to the Law of the place to which the same may have been exported from this Island, pursuant to such Permit; and for the better and more effectually preventing frauds herein, the Exporter or Exporters of all or any such Liquors shall take and subscribe the following Oath, which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby empowered and directed to administer:

Before exportation, Collector to grant permit to ship Wines, &c.

No drawback to be paid or credited until certificate be produced to the Treasurer, indorsed on permit, of the landing of the same at some Port not in this Colony.

Exporter also to take an oath, to be administered by Collector.

'I A. B. do swear, that the quantity of 'by me Shipped for exportation on board the Ship 'or Vessel called the whereof is 'Master, bound for the Port of in ' was *bona fide* imported in the Ship or 'Vessel Master, from the Port of 'in since the day of and that 'the Duties for the same have been paid, or secu-'red to be paid, as by Law is required; and that 'the same is not intended to be fraudulently re-'landed in or at any port or place within this 'Island, or any of the Territories thereunto be 'longing.'

Form of Exporter's Oath

V. And be it further enacted, That if any Wine, Rum, Brandy, Gin, or other Distilled

Any Wines, &c. fraudu-

lently relanded after being shipped for exportation, to be forfeited, and Persons concerned in such relanding to be liable to a fine of 50*l*. Mode of recovery of fine.

Spirituous Liquors, shall be fraudulently relanded, in or at any Port or place within this Island, after the same shall be Shipped for Exportation, the same shall be forfeited; and all Persons concerned in such fraudulent relanding shall also be liable to a Fine of Fifty Pounds, to be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island.

No Exporter to be entitled to drawback on a less quantity than 50 gallons of Wine, &c.

VI. And be it further enacted, That nothing herein contained shall entitle any Exporter or Exporters, in any respect whatsoever, to a Drawback on a less quantity of such Wine, Brandy or Gin, than Fifty Gallons, or on a less quantity of Rum, or other Distilled Spirituous Liquors, than One Hundred Gallons.

Duties payable under before mentioned Acts, and this Act, to be secured as prescribed in Act of the 52d year of King Geo. the 3d, altering and amending Laws of Impost on Wines, &c.

VII. And be it further enacted, That the Duties payable under and by virtue of the before mentioned Acts, and this Act, shall be secured in way and manner prescribed by an Act made in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled 'An 'Act to alter and amend Two several Acts of the 'General Assembly of this Island, viz: an Act 'intituled 'An Act to amend, render more effec- 'tual, and to reduce into one Act the several Laws 'made by the General Assembly of this Island re- 'lative to the Duties of Impost on Wines, Rum, 'Brandy, and other Distilled Spirituous Liquors, 'and for allowing a Drawback on all Wines, Rum, 'Brandy, and other Distilled Spirituous Liquors 'exported from this Island'—and an Act intituled 'An Act for raising a Duty on Wine, Rum, Bran- 'dy, and other Distilled Spirituous Liquors, and 'for imposing a Duty on Porter, Ale, and Strong 'Beer'—and by an Act made in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for the further se- 'curity and recovery of Monies due to His Majes- 'ty upon Duties of Impost and Excise, and for re- 'gulating the Offices of Treasurer and Collector of 'Impost.'

And an Act of the 11th year of King Geo. the 4th, for the further security and recovery of Monies due to His Majesty, &c.

VIII. And be it further enacted, That all Persons importing into this Island any Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, liable to Duty of Impost, or any other article or articles liable to such Duty, before paying or securing the Duties thereon, shall make his or their Entry in writing, stating the quantity and description of such Dutiable article or articles, the Vessel's name in which the same was imported, together with the Master's name: and every Importer making such Entry shall swear to the same, before the Collector and Receiver, or Collectors and Receivers, of Impost and Excise, in the following words:

Persons importing any Wines, &c. liable to Duty, to make an Entry in writing,

and also to swear to the same before Collector, &c.

'I do swear, that I verily believe 'the Entry now made by me is a correct and true 'account of all Casks, Packages, number of Gal-'lons, and weight of Dutiable articles imported by 'me in the Ship or Vessel called the
' Master. 'So help me God.
'A. B.,
'Importer.'

Form of Importer's Oath.

IX. And be it further enacted, That all such Duties as are imposed under and by virtue of the hereinbefore mentioned Acts and this Act be, and the same shall be, levied and paid, over and above all Duties levied and imposed by any Act or Acts of the Imperial Parliament of Great Britain and Ireland in force in this Island.

All Duties imposed by this Act, or other Revenue Acts, to be over and above all duties imposed by Imperial Parliament.

X. And be it further enacted, That all Spirituous Liquors, of what nature or kind soever, manufactured in any part of the United Kingdom of Great Britain and Ireland, be, and the same shall be imported into this Colony duty free—any thing in this Act, or in the hereinbefore mentioned Acts, to the contrary notwithstanding.

All Spirituous Liquors manufactured in Great Britain or Ireland, exempted from the payment of any duty.

XI. And be it further enacted, That the Collector and Receiver, or Collectors and Receivers, that now are, or hereafter shall be appointed by the Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, to secure and collect the

Allowance to Collectors &c under this Act.

Duties payable under the herein before mentioned Acts, or this Act, shall only be paid and have five per centum on all Monies paid or secured under and by virtue of the herein before mentioned Acts, and this Act, except the Collector and Receiver for the District of Charlotte-Town, who is already provided for by Salary.

Mode of appropriating Monies raised under this Act.

XII. And be it further enacted, That all Monies arising from the Rates and Duties imposed by this Act, shall be Appropriated by an Act hereafter to be passed, and laid out in such manner as in and by the said Act shall be directed and appointed: And if the Treasurer of this Island shall issue or pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the Sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer; the said Forfeiture to be applied to and for the uses which shall be expressed in the said Act, and be recovered by Bill, Blaint, or Information in His Majesty's Supreme Court of Judicature of this Island.

If Duty amounts to 100*l.*, and is under 200*l.*, credit to be given in the payment thereof for 12 months;

and for any greater amount, 15 Months' credit to be given.

Proviso. That security be given for the same.

XIII. And be it further enacted, That when from henceforth the Duty to be paid by any Importer or Importers of any Wine, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, shall amount to the Sum of One Hundred Pounds, and under Two Hundred Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give Credit for the payment thereof for the space of Twelve Months; and for any greater amount, the space of Fifteen Months; provided that sufficient Security be given for the payment of the said Duty within the said time so as aforesaid limited for the payment thereof—any thing in the said Acts to the contrary notwithstanding.

Suspends the 20th, 21st, 22d, & 23d Sections of the Act of the 25th year of King Geo. the 3d, relating to the Duty on Wines, &c.

XIV. And be it further enacted, That from and after the passing hereof, the Twentieth, Twenty-first, Twenty-second and Twenty-third Sections of the first herein before mentioned Act, be, and the same are hereby suspended during the continuance of this Act.

XV. And be it further enacted, That this Act shall continue and be in force for One Year from the Seventh day of May next, and no longer.

Limitation of this Act.

CAP. XXXV.

An Act for continuing for One Year an ad-valorem Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That a Duty of Impost shall be levied, paid and received, on all kinds of Goods, Wares and Merchandise, of what kind and nature soever, except as hereinafter excepted, which shall be imported or brought into this Island from any place or country whatsoever, after the passing hereof, and which shall be used, sold, expended or consumed within this Island; which said Impost Duty shall be levied, paid and collected at the following rate—that is to say, a Duty of Impost of Two Pounds Ten Shillings on every One Hundred Pounds worth of Goods of any kind which shall be imported for Sale or consumption as aforesaid by any Person or Persons whomsoever; which said Duty of Impost shall be calculated on the Invoice price of each One Hundred Pounds' worth of such Goods as aforesaid, and so in proportion for a greater or less quantity thereof.

A Duty of Impost to be levied on all Goods, &c. (except as hereinafter excepted) brought into this Island,

and consumed within the same,

at the rate of 2*l.* 10*s.* on every 100*l.* worth of Goods.

Duty to be calculated on Invoice price.

II. And be it further enacted, That all Masters of Ships, coasting, fishing, and all other Vessels whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Island, having on board Goods, Wares, or Merchandise, shall, before breaking bulk, and within Forty-eight Hours after their arrival, make report in writing upon Oath to any of the Collectors and Receivers within this Island, of all Goods, Wares, and Merchandise on board any such Ship or Vessel, specifying therein the kind of Casks, Packages, Parcels,

Masters of Vessels, &c. before breaking bulk, and within 48 hours after arrival, to report on oath their cargoes; particularly, to Collectors or Receivers

Boxes, Trunks, Bales, and all other manner of things, in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered or exchanged, any Goods, Wares, or Merchandise, at any port or place within this Island, or on the Coasts thereof, since their sailing from the port or place where the same were laden on board any such Ship or Vessel for exportation; which Oath the said Collector and Receiver, or Collectors and Receivers, is or are empowered to administer in the form following:

which oath the Collector, &c. is empowered to administer in the form following:

Form of oath of Master.

'You A. B. do swear, that the report which you 'have made, read, or heard read, and subscribed, 'contains a just and true account of all the Goods, 'Wares, and Merchandise laden on board the ' at and that you have not landed, 'nor suffered to be landed, sold or delivered, bar-'tered or exchanged, any Goods, Wares, or Mer-'chandise, at any port or place within this Island, 'or on the Coasts thereof, since your sailing from 'So help you God.'

Importer to produce to Collector, &c. an Entry containing particulars of Articles imported, and amount of Invoices;

III. And be it further enacted, That all and every Person or Persons whosoever who shall import or bring into this Island any Goods, Wares or Merchandise, of any kind whatsoever, such Person or Persons shall immediately produce to the Collector and Receiver of Impost for the District wherein such importation shall be made, an Entry containing the particulars of the Articles imported, and the total amount of the original Invoice of the Goods, Wares and Merchandise, which shall be so imported as aforesaid; and the Owner or Owners of such Goods shall make and subscribe the following Affidavit, which the said Collector is hereby empowered to make and administer the Oath thereon, that is to say:

and shall make and subscribe the following oath, to be administered by Collectors, &c.

Form of Affidavit of Importer.

'I A. B. of in the County of 'do swear, that the Entry now by me made is just 'and true, and is according to the original Ac-'count or Invoice, by me imported in the 'from whereof is Master, which

'are made subject to an Impost Duty, in and by 'an Act passed in the Third year of the Reign of 'His present Majesty King William the Fourth, 'intituled (Here insert the Title of this Act); and 'I do further swear, that I am the Owner (or part 'Owner, or Consignee, as the case may be) there-'of, and have the principal care, disposal and ma-'nagement of the same.'

And if the Goods so imported shall belong to any Person or Persons not residing in this Island, then the Person producing to the Collector or Collectors the Entry thereof as aforesaid, shall only be obliged to swear to such part of the said Affidavit as relates to the value and ownership of such Goods.

When the Owner of the Goods, &c. is not a resident in this Island, the Person making the Entry only to swear to the value and ownership.

IV. And be it further enacted, That when any Goods, Wares or Merchandise, liable to the payment of the Duty of Impost, shall have arrived at any Port within this Island before the Consignee thereof shall have received an Account or Invoice of the same, the Collector for the District where the said Goods shall be, is hereby required, on request of such Consignee, to grant a Permit for the same to be landed or inspected on board, and the same being appraised as to the prime cost thereof when landed, by two competent and disinterested Persons, on Oath made before such Collector, shall pay Duty according to such appraisement.

If any Goods, &c. liable to Duty arrive at any Port in this Island before Consignee shall receive an Invoice, Collector, &c. may grant a Permit to land same, and on an appraisement thereof by two persons on oath, Duty to be paid according to appraisement.

Provided always, That if for any Goods so imported the Importer shall be entitled to a Drawback of any Duties imposed on such Goods in Great Britain or Ireland, or any British Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said Duty of Two and One-half per centum be imposed on the residue of the Invoice after such deduction. And all Goods, Wares or Merchandise that shall be imported or brought into this Island after the passing hereof, as aforesaid, and shall be found in the custody or possession of any Person or Persons whomsoever, during the operation of this Act, without having been entered and accounted for as aforesaid, and the Duties thereon paid or secured

Proviso. If Importer is entitled to any Drawback on such Goods, &c. in Great Britain, &c. duty only to be paid on the amount of Invoice, after deducting such drawback therefrom.

Goods, &c. liable to forfeiture if the foregoing provisions be not complied with, and the duty paid or secured,

and distributed as hereinafter mentioned.

Proviso.

In the absence of the Importer, his Clerk or Agent to make the oath of Entry.

in the manner hereinafter mentioned, the whole, and every part thereof, shall be seized, forfeited, condemned, and distributed in the manner hereinafter mentioned. Provided always, that in case of the absence of the Importer of such Goods, Wares, and Merchandise, it shall and may be lawful for the principal Clerk or Agent of such Importer to make Oath agreeably to the tenor of the above Affidavit.

Duties to be paid to the Collector, &c. before landing.

Proviso.

Collector, &c. authorized to give credit for 3 months, when duties exceed 5*l*, and are not more than 10*l*.

If above 10*l*, and not more than 30*l*, credit to be given for 6 months.

If above 30*l*. and not more than 100*l*, credit to be given for 9 months.

If above 100*l*, and not more than 200*l*, credit to be given for 12 months; and for any greater amount, credit to be given for 15 months, provided security be given as afterdirected.

V. And be it further enacted, That all the Rates and Duties before mentioned shall be paid by the Importer or Importers of any such Goods, Wares or Merchandise unto the Collector and Receiver, or Collectors and Receivers, for the time being, appointed for collecting and receiving the same, at or before the landing thereof. Provided nevertheless, that when the Duty to be paid by any Importer or Importers of such Goods, Wares or Merchandise shall amount to a Sum exceeding Five Pounds, and not more than Ten Pounds, the said Collector and Receiver, or Collectors and Receivers, of the said Duties is or are hereby authorized to give Credit for the Payment thereof for the space of Three Months; and in like manner if the said Duties shall exceed the Sum of Ten Pounds, and not amount to more than Thirty Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give Credit for Payment thereof for the space of Six Months; and if the said Duties shall exceed the Sum of Thirty Pounds, and not amount to more than One Hundred Pounds, then he or they are hereby further authorized to give Credit for the Payment thereof for the space of Nine Months; and when the said Duties shall exceed the Sum of One Hundred Pounds, and not amount to more than Two Hundred Pounds, he or they are hereby further authorized to give Credit for the Payment thereof for the space of Twelve Months; and for any greater amount, the space of Fifteen Months—provided sufficient security is given for the Payment thereof, in way and manner herein-

after directed. And provided also, that when the Importer or Importers of such Goods, Wares or Merchandise shall have in the same Ship, Vessel or Boat, imported any other Article liable to Duty, it shall and may be lawful for the Collector and Receiver, or Collectors and Receivers, to include, and they are hereby required to include, the whole in one Bond or Security, and allow and give the Importer or Importers such Credit as is hereinbefore mentioned and set forth.

Proviso.

Collector, &c. to include in one Bond all Duties payable by any Importer for all Goods, &c. liable to any Duty imported in one vessel, and to give credit as hereinbefore set forth.

VI. And be it further enacted, That when and so often as any Collector and Receiver, or Collectors and Receivers of the said Duties, is or are authorized and shall be required to give Credit for Payment of the said Duties, in manner herein before mentioned, every such Collector and Receiver shall in every such instance cause the Person or Persons so requiring such Credit to enter into Bond or Recognizance to the King's Most Excellent Majesty, payable at such time or times as is herein before mentioned; and which Bond or Recognizance shall be signed and acknowledged by the Person or Persons so entering into the same, together with One good and sufficient Surety, before such Collector and Receiver, who is hereby authorized and required to take and subscribe such acknowledgment in the same manner and form as is mentioned and set forth in an Act made in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled 'An Act to alter and amend two several Acts of the General 'Assembly of this Island, viz: an Act intituled an 'Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the 'General Assembly of this Island, relative to the 'Duties of Impost on Wines, Rum, Brandy, and 'other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and 'other Distilled Spirituous Liquors exported from 'this Island—and an Act intituled An Act for raising a Duty on Wine, Rum, and other Distilled 'Spirituous Liquors, and for imposing a Duty on

Collector, &c. to take Bond or Recognizance to the King, payable as before-mentioned.

with one good Surety.

Collector, &c. to take same in the form set forth in Act of the 52d year of King Geo. the 3d, altering and amending Revenue Acts.

'Porter, Ale, and Strong Beer,' and also an Act made in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled 'An 'Act for the further Security and Recovery of Mo-'nies due to His Majesty upon Duties of Impost 'and Excise, and for regulating the Offices of 'Treasurer and Collector of Impost.'

Bond, &c. to carry Interest from time of payment,

to be received by Treasurer and accounted for with principal.

VII. And be it further enacted, That if the Sum in the condition of the said Bond or Security respectively mentioned, shall not be paid at the time and in manner therein specified and appointed, the same shall bear lawful interest from the day appointed for the payment thereof, and such interest shall be received by the Treasurer of this Colony for the time being, which, together with the principal, shall be accounted for in the manner hereinafter mentioned; and the amount of the Sum in the condition of such Bond or Security mentioned, and interest, if any, shall nevertheless be payable and recoverable at such time, and in such manner, after the day therein specified for the payment thereof, as the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, shall direct and appoint.

All Goods, &c. not duly entered, found on board any Vessel, &c. declared forfeited.

and may be seized.

VIII. And be it further enacted, That if any Goods, Wares, or Merchandise, not being duly entered, be found on board any Ship, Vessel or Boat after such Entry made, the same shall be and is hereby declared forfeited; and it shall and may be lawful for the said Collectors and receivers, or either of them, or any Landwaiter or Guager, to seize the same as forfeited Property.

No Post Entry of any Goods, &c. to be made except by Master, and that within 3 days after arrival.

IX. And be it further enacted, That no Post Entry of any Goods, Wares, or Merchandise shall be permitted to be made by any Collector and Receiver of the said Duties by any Person whatever except the Master of such Ship, Vessel or Boat, and that within Three Days after the same shall have arrived.

Collector, &c.

X. And be it further enacted, That upon information made to the said Collectors and Receivers,

or either of them, that any Goods, Wares, or Merchandise remain on board of any Ship, Vessel or Boat, the same not being duly entered, it shall and may be lawful for the said Collectors and Receivers, or either of them, or either of the said Land-waiters or Guagers, by his or their orders, to enter on board such Ship, Vessel or Boat, and there to search for, and seize, as forfeited, all such Goods, Wares, and Merchandise, so remaining on board the same, not being duly entered as aforesaid.

may enter on board any Vessel, &c. to search for Goods, &c. not duly entered,

and seize the same as forfeited.

XI. And be it further enacted, That if any Goods, Wares, or Merchandise shall be landed from on board any such Ship, Vessel or Boat, after report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then and such case all such Goods, Wares, or Merchandise, or the value thereof (the same to be estimated at the highest Price such Commodities shall or may then respectively bear), shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being or by any or either of the Land-waiters or Guagers; and if such Goods, Wares, or Merchandise shall be concealed or destroyed so as that seizure cannot be made of the same, then the Master of the said Ship, Vessel or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Article so concealed, shall, on being duly convicted thereof, pay the value of the same, according to the aforesaid estimate.

If any Goods, &c. be landed from any Vessel, &c. after report made, other than is specified therein, the same, or the value thereof, at the highest estimated price to be forfeited.

Collector, &c. may seize Goods, &c.,

if concealed or destroyed, the Master of the Vessel, &c. Owner or Receiver to pay the value thereof at the aforesaid estimation.

XII. And be it further enacted, That if any Goods, Wares, or Merchandise shall be found on board any Ship, Vessel or Boat, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship, Vessel or Boat shall refuse or neglect to conform strictly to the directions prescribed in and by this Act; in either of such cases, he shall, on Conviction thereof,

Goods, &c. (not being entered) found on board any Vessel, &c. or landed, bartered or exchanged; or if any Master of Vessel shall refuse or neglect to conform to this Act, in either case he shall

forfeit 50*l.*

by the Oath of one credible Witness, forfeit and pay a Sum not exceeding Fifty Pounds.

Goods, &c. landed contrary to this Act and found in possession of any Person not having a Permit, to be forfeited,

and the Person so in possession to forfeit 20*l.*

XIII. And be it further enacted, That if any Goods, Wares, or Merchandise shall be landed from on board any Ship, Vessel or Boat, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any Person or Persons whatever on shore, not having a Permit therfor, the same shall be forfeited, and the Person or Persons with whom the same shall or may be found, shall forfeit the Sum of Twenty Pounds, unless he, she or they shall be able to prove the same to have been legally entered and landed.

Persons assisting in the clandestine landing of Goods, &c. to avoid payment of Duty, to forfeit 20*l.* or suffer 3 months' imprisonment.

XIV. And be it further enacted, That if any Person or Persons whosoever shall knowingly be aiding or assisting in the clandestine landing or concealing of any Goods, Wares, or Merchandise, in order to evade the payment of the Duties to which the same shall be liable by this Act, he, she or they shall, upon Conviction thereof, by the Oath of one or more credible Witness or Witnesses, forfeit and pay the Sum of Twenty Pounds, or suffer Three Months' imprisonment, without bail or mainprize.

Goods, &c. liable to Duty, not to be landed except between sunrise and sunset, unless in the presence and with the consent of Collector, &c.

on pain of forfeiting such Goods, &c. and all Boats, &c.

XV. And be it further enacted, That no Goods, Wares, or Merchandise, which by this Act are made liable to a Duty, shall be landed or delivered from on board any Ship, Vessel or Boat, or afterwards put into any Warehouse or other place, except between sunrise and sunset, unless the same be done in the presence and with the consent of the Collector and Receiver for the District or Place where the same shall be landed, on pain of forfeiting all such Goods, Wares, and Merchandise, and all and singular the Lighters, Boats, or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts, Sleds, and Horses or Cattle employed in conveying the same away.

Master of any Vessel, &c. to

XVI. And be it further enacted, That the Master of any Ship, Vessel, or Boat importing any

Goods, Wares, or Merchandise, as aforesaid, shall be, and he is hereby made liable, to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid by the Person or Persons to whom the same shall belong, or be consigned unto; and it shall and may be lawful to and for the Master of any Ship, Vessel, or Boat, to detain in his hands or possession, or to deliver to any of the said Collectors and Receivers, for the Security of such Duties, all such Goods, Wares, and Merchandise as shall not have been duly entered—which said Collector and Receiver is hereby empowered and directed to receive and keep the same at the Owner's risk, until the Duties due thereon, with the Charges, shall have been paid; and if the Duties due and payable on such Goods, Wares and Merchandise shall not be paid, or secured to be paid, by the Owner or Owners thereof, within Three Months, then and in such case, the said Collector and Receiver is hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also all Freight, Charges for Storage and Sale thereof.

be liable to pay Duties for Goods, &c. in his Report not duly entered, or the Duties paid by the Owner, &c.;

and Master, &c. may detain such Goods, &c. and deliver same to Collector, &c.,

and if Duties due thereon be not paid or secured within 3 Months, Collector, &c. to sell the same and pay Duties and Charges.

XVII. And be it further enacted, That in case any Master of any Ship, Vessel, or Boat shall be prosecuted for a violation of this Act, the said Goods, Wares, and Merchandise so imported shall be subject and liable to be attached, to answer the final judgment which shall or may be given in such prosecution, unless the Master shall enter into recognizance, with sufficient securities, to answer such final Judgment.

Goods, &c. liable to be attached, unless Master finds Security to answer final Judgment.

XVIII. And be it it further enacted, That in case any Goods, Wares or Merchandise shall be landed in any Port or Place within this Island, without being regularly entered, and the Duties paid or secured thereon as above directed, and the Importer or Importers of the same shall have left this Island before any Collector and Receiver of such Rates and Duties shall have had notice thereof, then and in such case, the Purchaser or Purchasers

If Goods, &c. be landed without Entry, or Duties paid, and the Importer, &c. have left this Island before Collector has had notice thereof, the Purchaser (know-

ing the same not to have been regularly entered, and the Duties paid) to be liable to duty, and a further sum equal in amount to Duty,

thereof (knowing the same not to have been regularly entered, nor the Duties thereon paid or secured) shall be liable to the payment of the Duties payable thereon, and of a further sum, being equal to the amount of such Duties, as a penalty for purchasing the same before entry with an intent to elude the payment of the said Duties.

Drawback of ⅞ths of the whole Duty paid, to be allowed on exportation.

XIX. And be it further enacted, That there shall be allowed and paid on all Goods, Wares and Merchandise which shall hereafter be imported into this Island, on exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid or secured to be paid on the importation thereof.

Drawback to be paid to Exporter, &c. if Duties have been paid prior thereto;

XX. And be it further enacted, That such Drawback on all Goods, Wares and Merchandise so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid shall have been *bona fide* paid prior thereto, and in the same currency or description of money as Warrants shall be payable in at the Treasury; and if only secured to be paid, credit shall be given on the back of the security for the Drawback hereby allowed on the quantity exported.

and if only secured, credit to be given on the Bond.

Proviso.

Provided, That before the exportation of any of the before mentioned Articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors and Receivers of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such exportation to be made, therein stating the names of the Importer and Exporter, and the quantity thereby to be exported: and no Drawback shall be paid or credited to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate, endorsed on the back of the said Permit, from the principal Officer of His Majesty's Customs at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly autho-

Collector, &c. to grant Permit for exportation.

Contents of Permit.

No Drawback to be paid until Permit be produced to Treasurer with a Certificate indorsed by principal Officer of Customs, &c. at Port where Goods, &c. are landed,

rized to grant the same, stating such Goods, Wares and Merchandise to have been actually landed there, and the Duties thereon duly paid, or secured to be paid, according to the Law of the Country or Place to which the same may have been exported from this Island. And for the better and more effectually preventing frauds herein, the Exporter or Exporters of all or any such Goods, Wares and Merchandise shall take and subscribe the following Oath, (which Oath the said Collectors and Receivers are hereby empowered and directed to administer,) viz:

that such Goods, &c. have been landed and Duties paid.

Exporter, &c. to take an Oath, as follows:

'I A. B. do swear, that the Goods specified in 'the foregoing Invoice were imported by me (or 'as the case may be), and are charged therein at 'the Invoice price, and that I have actually paid 'or secured the Duty of Impost directed to be le-'vied thereon by the Law of this Island, agree-'ably to the value in such Invoice; and I have 'shewn and exhibited the Packages in which the 'said Goods are contained to the Officer appointed 'to examine the same, who has attended the re-'shipment thereof; and the whole of the said 'Goods have been regularly entered at this Of-'fice, and are now actually laden on board the ' bound to and the same are not 'intended to be again landed, brought back, sold, 'bartered or exchanged, or consumed in any part 'of this Island. 'So help me God.'

Form of Exporter's Oath.

And the Master of the Vessel in which such Goods, Wares and Merchandise shall be exported shall likewise make and subscribe the following Affidavit, which shall be annexed to the said Invoice:

Master of Vessel, &c. to make the following Affidavit to be annexed to Invoice.

'I A. B. do swear, that, to the best of my 'knowledge and belief, the Packages marked and 'numbered as follows, with the Goods 'therein contained, are now actually laden on 'board the bound to And I 'do further swear, that, unless prevented by dan-'ger of the seas, winds, or other unavoidable acci-'dents, I will truly land or put on shore at

Form of Master's Affidavit

' the said Packages, with the said Goods 'therein contained.

'So help me God.'

Goods, &c. fraudulently relanded, to be forfeited, and Master of Vessel, &c. to forfeit 50*l.*

XXI. And be it further enacted, That if any such Goods, Wares or Merchandise shall be fraudulently relanded in or at any Port or Place within this Island, after the same shall have been shipped for exportation, the same shall be forfeited, and the Master of such Ship, Vessel or Boat out of which such Goods, Wares or Merchandise shall have been so fraudulently relanded, shall be liable to a Penalty of Fifty Pounds.

No Drawback to be allowed unless the Goods, &c. exported in one Vessel, exceed 50*l.* and application to be made for same within 12 months from the time of reshipment.

XXII. And be it further enacted, That nothing herein contained shall entitle any Exporter in any respect whatsoever to any Drawback, unless the Invoice Price of the Goods shipped at one and the same time, and owned by one and the same Person, in one and the same Vessel, shall exceed the sum of Fifty Pounds, and unless application be made for the Drawback to be allowed, and the several Proofs requisite for allowing thereof made within Twelve Months, to be computed from the time of such reshipment, any thing herein contained to the contrary notwithstanding. And provided also, that the time limited for such reshipment shall be from sun-rising to sun-setting.

Articles exempted from the payment of Duties under this Act.

XXIII. And be it further enacted, That it is the true intent and meaning of this Act, that nothing herein contained shall extend, or be construed to extend, to the levying, imposing or collecting any Duty whatsoever by virtue of, or under the authority of this Act, from or upon the several articles following, that is to say—Salt, Lime or Limestone, Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Porter, Ale, Tobacco, Tea, Sugar, Molasses, Fish, Fish Oil, Lumber or Staves, the Baggage of Emigrants, Wheat or Grain, or Grass Seeds of every description, Live Stock, and such Implements of Husbandry as may be imported by any Agricultural Society, for the purpose of being sold or used by such Society, and all Sails, Rigging, Cables and Anchors which may have been

used in taking any new Vessel from this Island to market for sale, if such Sails, Rigging, Cables and Anchors shall be returned forthwith, after Sale of the Vessel, direct to this Island by the Exporters thereof, and shall have previously paid or been charged with the Duties imposed thereon by this Act, or any former Act, on the first importation thereof into this Island.

On the re-importation of any Sails, Rigging, &c. used in taking any Vessel to market, Owner to make Oath that such Articles are the identical Sails so used.

XXIV. And be it further enacted, That on the re-importation into this Island of any Sails, Rigging, Cables or Anchors which may have been used in taking Vessels to market as aforesaid, the Person re-importing the same shall make Oath before one of the Collectors and Receivers aforesaid, that such Articles are the identical Sails, Rigging, Cables or Anchors as were so previously exported in such Vessel as aforesaid.

Articles imported for the use of the Army and Navy, exempted from Duty:

also, Officers' Baggage.

XXV. And be it further enacted, That if any Contractor or Contractors, Commissioner or Commissioners, or any other Person or Persons whosoever in His Majesty's service or employment, shall import and bring within this Island for the use of His Majesty's Navy or Army, any Goods, Wares or Merchandise, or Ordnance Stores, or War Munitions of any kind whatsoever, or Officers' Baggage, the same shall not be considered in any manner liable to any Duties imposed by this Act—any thing herein contained to the contrary notwithstanding.

Collectors to have power to perform the duties imposed by this Act,

and to render a true Account to Treasurer of all Monies, &c. within 30 days after expiration of each Quarter, under penalty of 25*l.* for each neglect.

XXVI. And be it further enacted, That the Collectors and Receivers now appointed, or who may hereafter be appointed, shall in every respect have full power and authority to execute this Act in all the Duties thereby enjoined upon them; and all such Collectors and Receivers for the time being shall render a just and true Account of, and pay into the hands of the Treasurer of this Island, all such Monies as shall or may be by them respectively received, by virtue of this Act, within Thirty Days next after the end of each Quarter, on pain of forfeiting the sum of Twenty-five Pounds for every neglect.

XXVII. And be it further enacted, That every such Collector and Receiver now appointed, or hereafter to be appointed (the Collector for the District of Charlotte-Town excepted), shall be allowed and paid at and after the rate of Five Pounds for every One Hundred Pounds received or secured by them respectively in payment of the Duties imposed by this Act.

Rate of Fees allowed Collector, &c.

XXVIII. And be it further enacted, That all Causes or Trials for Forfeitures and Penalties inflicted for breaches of this Act shall and may be commenced and prosecuted by Bill, Plaint or Information, in any of His Majesty's Courts of Record, which now are or which hereafter may be established in this Island; and the Defendant or Defendants in any such Suit shall be subject to pay all Costs, if the Verdict therein be given against him or them.

Mode of recovery of all Fines imposed by this Act.

XXIX. And be it further enacted, That all the Penalties and Forfeitures arising from breaches of this Act shall be paid to the Treasurer, and applied in way and manner following; that is to say—One half to His Majesty, and one half to him or them who shall inform, seize or sue for the same; and that all Prosecutions in pursuance of this Act shall be commenced within the space of Twelve Months from the time of the Offence being committed.

Appropriation of fines imposed by this Act.

XXX. And be it further enacted, That all Monies arising from the Rates and Duties imposed by this Act shall be appropriated by an Act hereafter to be passed, and laid out in such manner as in and by the said Act shall be directed and appointed; and if the Treasurer of this Island shall issue and pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the uses which shall be expressed in the said Act, and to be recovered by Bill,

Monies arising from this Act to be appropriated by Bill hereafter to be passed.

Treasurer to forfeit 500*l.* if he pays any Money secured under this Act for any other purpose than shall be declared by said Bill, and be incapable of holding Office.

Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

XXXI. And be it further enacted, That all Goods, Wares and Merchandise, of whatsoever kind, hereafter imported into this Island, which are subject and liable to Duty under any Act of the Imperial Parliament in force in this Island, shall be subject to the Duty imposed by this Act, over and above any Duty payable under and by virtue of any Act of the said Imperial Parliament.

All Goods, &c. subject to any Imperial Duty, to be liable to Duty under this Act over and above the Imperial Duty.

XXXII. And be it further enacted, That all Goods, Wares and Merchandise as aforesaid which shall or may be imported in Boats from any Port or Ports of the neighbouring Colonies, shall be subject to the same Duties, Fines and Forfeitures as if the same were imported in Vessels of greater burthen.

Goods, &c. imported in Boats from neighbouring Colonies, subject to same Duties, &c. as if imported in large Vessels.

XXXIII. And be it further enacted, That the Collectors and Receivers appointed, or hereafter to be appointed, shall and they are hereby required to attend and keep open their respective Offices from Ten o'clock in the forenoon, until four o'clock in the afternoon every day (Sundays excepted), for the purpose of collecting and receiving Duties of Impost imposed by this Act or any other Act of the Legislature of this Island.

Collectors, &c. required to keep open their respective Offices from 10 o'clock in the forenoon until four o'clock in the afternoon.

XXXIV. And be it further enacted, That it shall and may be lawful for the Collectors and Receivers now appointed, or who may hereafter be appointed, for collecting and receiving the Duties of Impost payable to His Majesty in this Island, under and by virtue of any Act of the Legislature thereof, and they are hereby respectively directed, to take and receive the amount of Duties payable under and by virtue of this Act, or secure and include such Duties along with the amount due on other dutiable Articles as hereinbefore directed, and to grant a Permit for the landing thereof, on Entry being made as hereinbefore directed; and if it should so happen, on the landing of any Wine, Gin, Brandy, Rum, or any other Distilled Spirituous Liquors liable to Duties of Impost, the amount

Collectors, &c. to receive payment of duties or secure the same as before declared.

If on landing any Gin, Rum, &c. on which Duties

have been paid or secured, it shall be ascertained by gauging, that the Casks, &c. contain a less quantity than supposed. Importer to have credit, &c. for the deficiency.

of which has been included with the Duties imposed by this Act in the same Security, that on gauging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in the quantity should appear, the Collectors and Receivers are hereby directed and required to endorse on the back of such Security the difference either way so ascertained after such gauging as aforesaid, and the Endorsement so made shall be signed by the Collector and Receiver before whom the Entry has been made, and also by the Importer entering into such Security if he thinks fit; and such Endorsement shall be, and it is hereby declared to be, part of the Defeazance or Condition to every such Bond or Security which may be so endorsed as aforesaid.

Limitation of this Act.

XXXV. And be it enacted, That this Act shall be and continue in force for One year, from the Seventh day of May next, and no longer.

CAP. XXXVI.

An Act for levying a Duty on Tobacco and Tea.

[Passed, April 6th, 1833.]

Importers of Tobacco and Tea to pay the following Duties:

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Seventh day of May next, there shall be paid by the Importer or Importers of Tobacco and Tea which shall or may be imported or brought into this Island, the several Rates and Duties following, viz:—

For every Cwt. of Tobacco 18s. 8d.—and for every lb. of Tea 4d.

For every Hundred-weight of Tobacco, either manufactured or unmanufactured, the Sum of Eighteen Shillings and Eight-pence; and for every Pound of Tea, the Sum of Four-pence.

To be paid at landing if the sum does not exceed 5l.

II. And be it further enacted, That all the Rates and Duties before mentioned shall be paid by the Importer or Importers of any such Tobacco or Tea unto the Collector and Receiver, or Collectors and Receivers, for the time being, ap-

pointed for collecting and receiving the same, at or before the landing thereof. Provided nevertheless, that when the Duty to be paid by any Importer or Importers of such Tobacco and Tea shall amount to a Sum exceeding Five Pounds, and not more than Ten Pounds, the said Collector and Receiver, or Collectors and Receivers, of the said Duties is or are hereby authorized to give credit for the payment thereof for the space of Three Months; and in like manner if the said Duties shall exceed the Sum of Ten Pounds, and not amount to more than Thirty Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give credit for payment thereof for the space of Six Months; and if the said Duties shall exceed the Sum of Thirty Pounds, and not amount to more than One Hundred Pounds, then he or they are hereby further authorized to give Credit for the Payment thereof for the space of Nine Months; and when the said Duties shall exceed the Sum of One Hundred Pounds, and not more than Two Hundred Pounds, he or they are hereby authorized to give Credit for the Payment thereof for the space of Twelve Months; and for any greater amount the space of Fifteen Months—Provided sufficient Security is given for the Payment thereof in way and manner as hereinafter is directed. And provided also, that when the Importer or Importers of such Tobacco or Tea shall have in the same Ship, Vessel or Boat imported any other article liable to Impost, it shall and may be lawful for the Collector and Receiver, or Collectors and Receivers, to include, and they are hereby required to include, the whole in one Bond or Security, and allow and give the Importer or Importers such Credit as is hereinbefore mentioned and set forth.

Proviso.

If above 5*l.*, and not more than 10*l.*, credit to be given for 3 months.

If above 10*l.*, and not more than 30*l.*, credit to be given for 6 months.

If above 30*l.*, and not more than 100*l.*, credit to be given for 9 months.

If above 100*l.*, and not more than 200*l.*, credit to be given for 12 months;

and if above 200*l.*, credit to be given for 15 months. Provided security be given as hereinafter directed. And also provided, that Collectors, &c. shall include in one Bond all Duties payable by any one Importer on any other Goods by him imported in same Vessel with Tobacco and Tea.

III. And be it further enacted, That when and so often as the Collector and Receiver, or Collectors and Receivers, of the said Duties is or are authorized, or shall be required to give Credit for Payment of the said Duties in manner hereinbefore

Collectors and Receivers to take a

mentioned, the said Collector and Receiver, or Collectors and Receivers, shall, in every such instance, cause the Person or Persons so requiring such Credit to enter into Bond or Recognizance to the King's Most Excellent Majesty, payable at such time or times as is hereinbefore mentioned, and which Bond or Recognizance shall be signed and acknowledged by the Person or Persons so entering into the same, together with one good and sufficient Surety, before the said Collector and Receiver, or Collectors and Receivers, who is and are hereby authorized and required to take and subscribe such acknowledgment, in the same manner and form as is mentioned and set forth in an Act made and passed in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled 'An Act to alter and amend two 'several Acts of the General Assembly of this Is-'land, videlicit: An Act intituled An Act to amend, 'render more effectual, and to reduce into one Act, 'the several Laws made by the General Assembly 'of this Island relative to the Duties of Impost on 'Wines, Rum, Brandy, and other Distilled Spiri-'tuous Liquors, and for allowing a Drawback on 'all Wines, Rum, Brandy, and other Distilled 'Spirituous Liquors exported from this Island— 'and an Act intituled An Act for raising a Duty on 'Wine, Rum, and other Distilled Spirituous Li-'quors, and for imposing a Duty on Porter, Ale, 'and Strong Beer;' and also an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for the further Security and Recovery of 'Monies due to His Majesty upon Duties of Impost 'and Excise, and for regulating the Offices of 'Treasurer and Collector of Impost.'

Bond or Recognizance for the payment of Duties for which credit is allowed,

with one Surety,

in manner and form as is prescribed in Act of the 52d year of King Geo. the 3d, amending Impost Laws—

and an Act of the 11th year of King Geo. the 4th, for the further security of Monies due to His Majesty, &c.

IV. And be it further enacted, by the authority aforesaid, That if the Sum in the Condition of the said Bond or Security respectively mentioned shall not be paid at the time and in manner therein specified and appointed, the same shall bear lawful Interest from the day appointed for the payment

Sum mentioned in the condition of Bond to be on Interest if not paid at the day appointed. Duties to

thereof, and such Interest shall be received by His Majesty's Treasurer of this Colony for the time being, which, together with the Principal, shall be accounted for in the manner hereinafter mentioned; but the amount of the Sum in the Condition of such Bond or Security mentioned, and Interest, if any, shall nevertheless be payable and recoverable at such time and in such manner after the day therein specified for payment thereof as the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, shall direct and appoint.

be recovered as Lt. Governor, &c. with advice of Council, may direct.

V. And be it further enacted, by the authority aforesaid, That all Masters of Ships, Vessels or Boats coming into any Harbour, Port, River, Haven or Creek or Place within or on any part of this Island, and its Dependencies, shall, before breaking Bulk, and within Three Days after his or their arrival, make a Report in writing, and upon Oath, to the Collector and Receiver, or Collectors and Receivers, of the Duties for the time being, of all such Tobacco or Tea on board the said Ship, Vessel or Boat, specifying therein the kinds of Casks, Chests, Cases or Packages in which the same be contained, together with the Importer's marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered or exchanged, any Tobacco or Tea, at any Port, Harbour, River, Haven, Creek or Place within this Island, or on the Coasts thereof, since their sailing from the Port or Place where the same was laden on board the said Ship, Vessel or Boat for Exportation—which Oath the said Collector or Receiver, or Collectors and Receivers, is or are hereby empowered to administer, in the Form following:

Masters of Vessels, &c. to report their Cargoes to Collectors, &c. within 3 days after arrival, and before breaking bulk, and to take the following oath.

'I A. B. do swear, that the Report which I 'have made, read and subscribed, contains a just 'and true account of all Tobacco and Tea laden on 'board the at 'and that I have not landed, nor suffered to be land-'ed, sold or delivered, bartered or exchanged, any 'Tobacco or Tea, at any Port or Place within this 'Island, or on the Coasts thereof, since my sailing 'from

Form of Master's Oath.

Importers, &c. before paying or securing duties, to make an Entry in writing and swear to the same before Collector, &c.

VI. And be it further enacted, That all Persons importing into this Island any Tobacco or Tea as aforesaid, or any other article or articles liable to Duty of Impost, shall, before paying or securing the Duties thereon, make his or their Entry in writing, stating the quantity and description of such Dutiable article or articles, the Vessel's name in which the same was imported, together with the Master's name; and every Importer making such Entry shall swear to the same before the Collector and Receiver, or Collectors and Receivers, of Impost and Excise, in the following words:

Form of Importer's oath.

'I do swear, that I verily believe 'that the Entry now made by me is a correct and 'true account of all the Casks, Packages, number 'of Gallons, and weight of Dutiable Articles im-'ported by me in the Ship or Vessel called the ' Master.

'So help me God.

'A. B. Importer.'

All Tobacco and Tea not duly entered and found on board any Vessel, &c. after entry of such Vessel, &c. to be forfeited.

VII. And be it further enacted, That if any Tobacco or Tea (not being duly entered) be found on board any Ship, Vessel or Boat after such Entry made, the same shall be and is hereby declared forfeited; and it shall and may be lawful for the said Collector and Receiver, or Collectors and Receivers, or either of them, or any of the Land Waiters or Guagers, to seize the same as forfeited property.

No Post Entry to be made but by Master of Vessel, &c.

VIII. And be it further enacted, That no Post Entry of any Tobacco or Tea shall be permitted to be made by such Collector and Receiver, or Collectors and Receivers, of the said Duties, by any Person whatever, except by the Master of such Ship, Vessel or Boat, and that within Three Days after the same shall have arrived.

Upon information, Collector, &c. to search for and seize Tobacco and Tea remaining on board Vessel, &c. not duly en-

IX. And be it further enacted, That upon Information made to the said Collector and Receiver, or Collectors and Receivers, or to any of them, that any Tobacco or Tea remain on board of any Ship, Vessel or Boat (the same not being duly entered), it shall and may be lawful for the Collector

and Receiver, or Collectors and Receivers, or any of them, or any of the said Land Waiters or Guagers, by his or their orders, to enter on board such Ship, Vessel or Boat, and there to search for and seize as forfeited, all such Tobacco and Tea so remaining on board the same, not being duly entered as aforesaid.

tered, and the same declared forfeited.

X. And be it further enacted, That if any Tobacco or Tea shall be landed from on board any such Ship, Vessel or Boat after Report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then and in such case all such Tobacco and Tea, or the value thereof (the same to be estimated at the highest Price such Commodities shall or may respectively then bear), shall be and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being, or by any or either of the Land Waiters or Guagers; and if such Tobacco or Tea shall be concealed or destroyed so as that seizure cannot be made of the same, then the Master of the said Ship, Vessel or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed, shall, on being duly convicted thereof, pay the value of the same, according to the aforesaid estimate.

All Tobacco and Tea landed after entry, and not contained in Master's Report, forfeited, or the value thereof;

and if concealed or destroyed to prevent seizure, the Master, or Owner, or Receiver, to pay the value of the same.

XI. And be it further enacted, That if any Tobacco or Tea shall be found on board any Ship, Vessel or Boat which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship, Vessel or Boat shall refuse or neglect to conform strictly to the directions prescribed in and by this Act; in either of such cases he shall, on Conviction thereof by the Oath of one credible Witness, forfeit and pay a Sum not exceeding Fifty Pounds.

Masters of Vessels not conforming to the directions of this Act

to forfeit 50l.

All Tobacco and Tea landed contrary to this Act, and found in the custody of any Person on shore (not having a Permit) to be forfeited, and such Person to forfeit 20*l.*

XII. And be it further enacted, That if any Tobacco or Tea shall be landed from on board any Ship, Vessel or Boat, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any Person or Persons whatever on shore (not having a Permit therefor), the same shall be forfeited; and the Person or Persons with whom the same shall or may be found shall forfeit the Sum of Twenty Pounds, unless he, she or they shall be able to prove the same to have been legally entered and landed.

Persons assisting in clandestinely landing any Tobacco or Tea,

to forfeit 20*l.* or suffer 3 months' imprisonment.

XIII. And be it further enacted, That if any Person or Persons whosoever shall, knowingly, be aiding or assisting in the clandestine landing or concealing any Tobacco or Tea in order to avoid Payment of the Duties to which the same shall be liable by this Act, he, she or they shall, upon Conviction thereof by the Oath of one or more credible Witness or Witnesses, forfeit and pay the Sum of Twenty Pounds, or suffer Three Months' imprisonment, without Bail or Mainprize.

Tobacco and Tea not to be landed but in the day time, unless in the presence and by consent of Collector, &c. on penalty of being forfeited, with Boats, &c. used or employed in landing the same.

XIV. And be it further enacted, That no Tobacco or Tea, which by this Act is made liable to a Duty, shall be landed or delivered from on board any Ship, Vessel or Boat, or afterwards put into any Warehouse or other place, except between sunrise and sunset, unless the same be done in the presence and with the consent of the said Collector and Receiver, or Collectors and Receivers, for the time being, on pain of forfeiting all such Tobacco and Tea, and all and singular the Lighters, Boats or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts, Sleds and Horses employed in conveying the same away.

Masters of Vessels, &c. liable to duty on Tobacco, &c. if not duly entered, or duties paid,

XV. And be it further enacted, That the Master of any Ship, Vessel or Boat importing any Tobacco or Tea as aforesaid, shall be and he is hereby made liable to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid by the Per-

son or Persons to whom the same shall belong or be consigned unto; and it shall and may be lawful to and for the Master of any Ship, Vessel or Boat to detain in his hands or possession, or to deliver to the said Collector and Receiver, or Collectors and Receivers, for the Security of such Duties, all such Tobacco and Tea as shall not have been duly entered; which said Collector and Receiver, or Collectors and Receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same at the Owner's risque until the Duties due thereon, with the Charges, shall have been paid; and if the Duties due and payable on such Tobacco and Tea shall not be paid, or secured to be paid, by the Owner or Owners thereof within Three Months, then and in such case the said Collector and Receiver, or Collectors and Receivers, is or are hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also all Freight, Charge for the Storage and Sale thereof.

may detain same or deliver it to Collector, &c. to secure duties.

Collector, &c. to receive the same,

and if duties be not paid within 3 months

to sell so much thereof as shall be sufficient to pay the duties, &c.

XVI. And be it further enacted, That in case any Master of any Ship, Vessel or Boat shall be prosecuted for a violation of this Act, the said Tobacco or Tea, so imported shall be subject and liable to be attached to answer the final Judgment which shall or may be given in such Prosecution, unless the Master shall enter into Recognizance with sufficient Securities to answer such final Judgment.

Tobacco, &c. may be attached unless Master finds Security to abide Judgment in prosecutions for penalties.

XVII. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, to nominate and appoint fit and proper Persons to be Collectors and Receivers of the several Rates and Duties hereinbefore mentioned, at the several Ports, Harbours or Places within this Island, where he and they shall or may deem expedient or necessary for carrying into execution this Act—each and every of which Person or Persons so to be appointed as aforesaid is or are to give Security in such amount as he and they shall from time to time judge suffi-

Lt. Governor, &c. with advice of Council, to appoint Collectors, &c.

Persons so appointed to give security.

cient for the faithful performance of his or their duty herein; and also in like manner to appoint Surveyors or Landwaiters for such Ports, Harbours and Places as may by him and them be judged necessary for the purposes aforesaid: and all Tobacco and Tea which shall or may be landed in this Island contrary to the intent and meaning of this Act, shall be forfeited, and shall and may be seized and prosecuted by such Collector and Receiver, or Collectors and Receivers, or any of them, or by any of the said Surveyors or Landwaiters.

Lt. Governor, &c. in like manner to appoint Surveyors or Landwaiters,

who may seize all Tobacco, &c. landed contrary to this Act.

XVIII. And be it further enacted, That in case any Tobacco or Tea shall be landed in any Port or Place within this Island without being regularly entered, and the Duties paid or secured thereon as above directed, and the Importer or Importers of the same shall have left this Island before the Collector and Receiver, or Collectors and Receivers, of such Rates and Duties shall have had notice thereof, then and in such case the Purchaser or Purchasers thereof, knowing the same not to have been regularly entered, nor the Duties paid or secured, shall be liable to the payment of the Duties payable thereon, and of a further Sum (being equal to the amount of such Duties) as a Penalty for purchasing the same before Entry, with an intent to elude the Payment of the said Duties.

Tobacco and Tea landed without being regularly entered, and duties paid, and the Importer having quitted this Island before the Collector, &c. had notice thereof, the Purchaser of such Tobacco, &c. to be liable for the Duties on the same,

also, a penalty equal in amount to the Duty.

XIX. And be it further enacted, That there shall be allowed and paid on all Tobacco and Tea which shall hereafter be imported into this Island, on Exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid, or secured to be paid, on Importation thereof.

Drawback of ⅞ths of the full amount of Duty to be allowed on Tobacco and Tea exported.,

XX. And be it further enacted, That such Drawback on all Tobacco and Tea so exported shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid shall have been *bona fide* paid prior thereto, and in the same Currency or description of Money as Warrants shall be payable in at the Treasury; and if only secured

If Duties have been paid prior to exportation, Drawback to be paid to Exporter,

and if only secured to be

to be paid, Credit shall be given on the back of the Security for the Drawback hereby allowed on the quantity exported.

paid, credit to be given on the back of security for Drawback.

Provided, That before the exportation of any of the before mentioned Articles from this Island on which a Drawback is allowed as aforesaid, the Collectors and Receivers of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such Exportation to be made, therein stating the Importer and Exporter's name or names, and the quantity thereby to be exported; and no Drawback shall be paid or credited to any such Exporter until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit from the principal Officer of His Majesty's Customs at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, expressing such Tobacco and Tea to have been actually landed there, and the Duties thereon duly paid, or secured to be paid, according to the Law of the place to which the same may have been exported from this Island: and for the better and more effectually preventing Frauds herein, the Exporter or Exporters of all or any such Tobacco or Tea shall take and subscribe the following Oath, which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby empowered and directed to administer, videlicit:—

Proviso. Before exportation, Collector to grant Permit for same.

No Drawback to be paid or credited until a Certificate be produced to the Treasurer endorsed on the back of such Permit, of the landing of Tobacco and Tea therein mentioned, at some Port not in this Island.

Exporter also to take an Oath to be administered by Collector.

'I A. B. do swear, that the quantity of
'(Tobacco or Tea) by me shipped for Exportation
'on board the Ship or Vessel
'Master, bound for the Port of in
' was *bona fide* imported in the Ship or
'Vessel Master, from the
'Port of since Day of
' and that the Duties for the same
'have been paid, or secured to be paid, as by Law
'is required; and that the same is not intended to
'be fraudulently relanded in or at any Port or Place

Form of Exporter's Oath.

'within this Island, or any of the Territories there-'unto belonging.'

Tobacco or Tea fraudulently re-landed, to be forfeited, and Master of Vessel, &c. liable to a penalty of 50*l.*

XXI. And be it further enacted, That if any Tobacco or Tea shall be fraudulently relanded in or at any Port or Place within this Island, after the same shall be shipped for Exportation, the same shall be forfeited, and the Master of such Ship, Vessel or Boat out of which such Tobacco or Tea shall have been so fraudulently relanded shall be liable to a Penalty of Fifty Pounds.

Exporter not to be entitled to Drawback on a less quantity than 3 cwt. of Tobacco and 80lbs. of Tea.

XXII. And be it further enacted, That nothing herein contained shall entitle any Exporter or Exporters in any respect whatsoever to a Drawback on a less quantity than Three Hundred Weight of Tobacco, and Eighty Pounds of Tea.

Collector, &c. to account quarterly, under a penalty of 50*l.*

XXIII. And be it further enacted, That the said Collector and Receiver, or Collectors and Receivers, for the time being, shall render a just and true account of and pay into the hands of the Treasurer of this Island, all such Monies as shall or may be by him or them respectively received by virtue of this Act, within Thirty Days next after the end of each Quarter, on Penalty of forfeiting Fifty Pounds for such his or their neglect.

Allowance to Collectors under this Act.

XXIV. And be it further enacted, That the said Collector and Receiver, or Collectors and Receivers, to be appointed by His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to secure and collect the Rates and Duties payable by this Act, shall have and be paid Five Pounds per centum on all Monies paid or secured by him or them, under and by virtue of this Act, and no more, except the Collector for the District of Charlotte-Town.

Mode of recovery of penalties imposed by this Act.

XXV. And be it further enacted, That all Fines, Penalties and Forfeitures incurred by operation of this Act shall be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island, over and above all Costs of Prosecution, and be appropriated in manner following—(that is to say) one half thereof to His Majesty for the uses for which the said Rates and

Appropriation of such fines.

Duties are granted, and the other half to the Person or Persons who shall inform, sue and prosecute for the same.

XXVI. And be it further enacted, That the Duty imposed on Tobacco by this Act shall be levied, collected and paid over and above such Duties (if any shall be payable thereon) imposed by any Act of the Imperial Parliament which may be in force in this Island during the operation of this Act.

Duties imposed by this Act to be over and above all Duties imposed by the Imperial Parliament.

XXVII. And be it further enacted, That all Monies arising from the Rates and Duties, and other Sums imposed by this Act, shall be appropriated by Act hereafter to be passed, and laid out in such manner as in and by such Act shall be directed and appointed; and if the Treasurer of this Island shall issue and pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the Sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the uses which shall be expressed in such last mentioned Act, and to be recovered in manner aforesaid.

Application of Monies received under this Act.

XXVIII. And be it further enacted, That this Act shall be and continue in force for One Year, from the Seventh day of May next, and no longer.

Limitation of this Act.

CAP. XXXVII.

An Act to make and keep in Repair the Pumps and Wells of Charlotte-Town, and for other Purposes, and to repeal a certain Act therein mentioned.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Representatives in General Assembly of the Town and Roy-

Representatives of Charlotte-Town to

alty of Charlotte-Town for the time being, are, and each of them is, required to publish an Advertisement in the Royal Gazette Newspaper, printed in Charlotte-Town; and also to post Advertisements, calling together the Inhabitants and Landholders of and in the said Town, to assemble at the Court-House in Charlotte-Town, on the First Tuesday in May next, after the passing of this Act, at noon; and also in each and every succeeding year during the continuance of this Act the said Representatives are, and each of them is, hereby required, in like manner to call a Meeting of such Inhabitants and Landholders on the First Tuesday in May, at noon, at the Court-House aforesaid—Eight Days notice of all such Meetings being previously given in manner aforesaid—at which Meetings of the Inhabitants and Landholders so to be held, the said Inhabitants and Landholders then present shall elect a Chairman; and at each of such Meetings shall proceed to choose Nine Inhabitants of the said Town (any Five of whom to be a Quorum), who are hereby required to assess the Inhabitants and Landholders of the said Town for such Sums as shall be granted, voted and agreed upon by the Majority of Inhabitants and Landholders present at such Meetings respectively.

advertise a meeting of Inhabitants

to assemble on the 1st Tuesday in May next after the passing of this Act. Representatives in like manner to call similar meeting on same day annually. A Chairman to be elected at such meetings—Inhabitants to choose 9 Persons, 5 to be a quorum, to assess such Inhabitants.

II. And be it further enacted, That the said Inhabitants and Landholders, at each and every of their respective Meetings, shall, and they are hereby empowered to vote such Sum of Money as they shall judge necessary for the then current year, for the making or repairing of Pumps and Wells in Charlotte-Town; and such further Sum, as in the discrêtion of the Majority of such Inhabitants and Landholders at any such Meetings shall appear necessary, for the purchasing of Hose, Leather Buckets, Ladders, Saws, Axes, Fire Hooks, Ropes and Chains, for the Fire Engine Company of Charlotte-Town; and the said Assessors are hereby required to pay the said last mentioned Sum into the hands of the Captain of the said Fire En-

Inhabitants to vote such sum as they judge necessary for Pumps, Wells, &c.

cessors, and arising out of any Lands in this Colony, during the continuance of this Act, shall be demanded, and that the aforesaid Assessment shall be deemed and taken to be paid in lieu thereof, when such Assessment shall have been paid to the Treasurer of this Island, according to the true intent and meaning of this Act.

during the continuance of this Act.

Assessment to be in lieu thereof.

IX. And be it further enacted, That the Treasurer of this Island shall keep a separate Account of all Monies raised under and by virtue of this Act; and in case any surplus shall remain after providing for the payment of the Civil Government of the Colony, such surplus shall be appropriated by Act or Acts of the Legislature of this Island hereafter to be passed for that purpose.

Treasurer to keep a separate Account of Monies raised by this Act, and any surplus, after defraying the Civil List, to be appropriated by Act hereafter to be passed.

X. And be it further enacted, That from and after the said First Monday in September which will be in the year of our Lord One Thousand Eight Hundred and Thirty-seven, an Act made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act to amend, render more effectual, 'and to reduce into one Act, the several Laws 'made by the General Assembly of this Island re- 'lative to the Duties of Impost on Wines, Rum, 'Brandy, and other Distilled Spirituous Liquors, 'and for allowing a Drawback upon all Wines, 'Rum, Brandy, and other Distilled Spirituous Li- 'quors exported from this Island'—and an Act made and passed in the Thirty-fifth year of His said late Majesty's Reign, intituled 'An Act for 'raising a Duty on Wine, Rum, and other Dis- 'tilled Spirituous Liquors, and for imposing a Duty 'on Porter, Ale, and Strong Beer'—be and the same shall be respectively repealed.

From and after the first Monday in September, 1837, an Act of the 25th year of King Geo. the 3d, to amend, render more effectual and reduce into one Act the Impost Laws—

and an Act of the 35th year of the same King, for raising a Duty on Wine, Rum, &c.

to be respectively repealed.

XI. And be it further enacted, That nothing herein contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

Suspending Clause.

Pp. 725-736 (incl) missing