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THE  
STATUTES  
OF  
NOVA-SCOTIA

PASSED IN THE  
FIFTH SESSION OF THE GENERAL ASSEMBLY,

OF THE

EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

HELD

SECOND DECEMBER, 1854.



HALIFAX:

PRINTED BY WILLIAM ANNAND,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.



At the general assembly of the province of Nova-Scotia, begun and holden at Halifax, on Saturday, the second day of December, 1854, in the eighteenth year of the reign of our sovereign lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, queen, defender of the faith, &c. &c. &c. being the fifth session of the twentieth general assembly convened in the said province.\*

\* In the time of his excellency Sir John Gaspard LeMarchant, lieutenant-governor; Michael Tobin, president of the legislative council; Stewart Campbell, speaker of the assembly; Lewis Morris Wilkins, provincial secretary; and Henry Twining, clerk of assembly.

## CHAPTER 1.

An Act for giving effect, on the part of the Province of Nova-Scotia, to a certain Treaty between Her Majesty and the United States of America.

[Passed the 13th day of December, 1854.]

### SECTION

1. Preamble.
2. Power of governor to suspend, &c.
3. Further proceedings may be taken.

### SECTION

4. Revised statutes, chapter 94, sections 1 to 18 suspended while treaty in force.

Whereas it is expedient to provide for giving effect, as regards Preamble. this province, to the treaty between her majesty and the United States of America, signed on the fifth day of June, in the year of our Lord one thousand eight hundred and fifty-four :

Be it therefore enacted by the governor, council, and assembly, as follows :

1. Whenever the governor of this province shall, by proclamation, declare that the treaty has taken effect according to the terms thereof, the articles enumerated in the schedule to this act, being the growth and produce of the United States of America, shall be admitted into this province free of duty, so long as the treaty shall remain in force, any law, act, or statute to the contrary, notwithstanding, except that if at any time the United States shall, under the terms of the treaty, suspend the operation of the third article thereof, so far as this province is affected thereby, then the governor of this province may, if he see fit, declare such suspension by proclamation, after which the exemption from duty under this act shall cease while such suspension shall continue ; but the governor may again, whenever such suspension shall cease, declare the same by proclamation, from and after which, such exemption shall again take effect.

2. It shall be lawful for the governor in council, by any order or orders to be made for that purpose, to do any thing further in

Power of governor to suspend, &c.

Further proceedings may be taken.

accordance with the spirit and intention of the treaty, which shall be found necessary to be done, on the part of this province, to give full effect to the treaty; and any such order shall have the same effect as if the object thereof were expressly provided for by this act.

2. When and so soon as the treaty shall be declared by proclamation of the governor to be in force, and to have taken effect according to the terms thereof, as provided for by the first section of this act,—the first eighteen sections of the ninety-fourth chapter of the revised statutes, “Of the coast fisheries,” together with such provisions of all other laws, acts, or statutes of this province now in force, as are contrary to, or inconsistent with, the terms and spirit of the treaty, are hereby declared to be suspended as regards citizens and inhabitants of the United States of America, and vessels, boats, and crafts belonging to the citizens and inhabitants of that country, and shall continue to be so suspended, and not in force so long as the treaty shall continue and be in force; any law, act, or statute to the contrary, notwithstanding.

Rev. Stat., ch. 94, secs. 1 to 18 suspended while treaty in force.

#### SCHEDULE TO THIS ACT.

Grain, flour, and breadstuffs of all kinds.  
 Animals of all kinds.  
 Fresh, smoked, and salted meats.  
 Cotton wool, seeds and vegetables,  
 Undried fruits, dried fruits.  
 Fish of all kinds.  
 Products of fish, and all other creatures living in the water.  
 Poultry, eggs.  
 Hides, furs, skins, or tails undressed.  
 Stone or marble in its crude or unwrought state.  
 Slate.  
 Butter, cheese, tallow.  
 Lard, horns, manures.  
 Ores of metals of all kinds.  
 Coal.  
 Pitch, tar, turpentine, ashes.  
 Timber and lumber of all kinds, round, hewed and sawed, unmanufactured in whole or in part.  
 Firewood, plants, shrubs, and trees.  
 Pelts, wool.  
 Fish oil.  
 Rice, broom corn, and bark.  
 Gypsum, ground or unground.  
 Hewn, wrought, or unwrought burr or grindstones.  
 Dye stuffs.  
 Flax, hemp, and tow unmanufactured.  
 Unmanufactured tobacco.  
 Rags.

## CHAPTER 2.

### An Act to alter and amend Chapter 22 of the Revised Statutes, “Of Licenses for the Sale of Intoxicating Liquors.”

[Passed the 31st day of March, 1855.]

## SECTION

1. Master liable for sale made on his premises.
2. Penalty on mail carriers.
3. Selling to a minor.
4. In summons, what not necessary to state.
5. Misdescription immaterial.
6. If proof different from summons, suit not defeated.

## SECTION

7. Appeal, when to be made, &c.
8. Jail limits, not entitled to.
9. Penalties.
10. Bond.
11. When in force.
12. Limitation of actions.
13. May be amended.

Be it enacted by the governor, council, and assembly, as follows :

1. Any sale of intoxicating liquors made on the premises of any person by the wife, child, or servant of such person, shall be considered presumptively as the act of the husband, parent, or master, and be punished in the same way as if such sale had been made by such husband, parent, or master in person, and the burthen of proof of innocence shall be thrown on such husband, parent, or master.

Master liable for sale made on his premises.

2. No mail carrier shall knowingly carry in the same waggon or vehicle with her majesty's mails, any intoxicating liquor, under a penalty of not less than twenty shillings, nor more than five pounds for each offence.

Penalty on mail carriers.

3. Any person holding a license who shall knowingly sell intoxicating liquor to a minor, upon proof thereof before a justice of the peace, shall forfeit his license, and shall not again be capable of holding a license.

Selling to a minor.

4. In any suit instituted for a breach of the provisions of this act, or of the chapter hereby amended, it shall not be necessary in the summons to state that the liquor sold was not contained in the original package in which it was imported, or that the same was sold without license ; but the defendant, if claiming to be exempted by the operation of such exceptions, may set up the same as a defence, in which case the burthen of proof shall be thrown upon him.

In summons, what not necessary to state.

5. In any such suit it shall not be necessary to specify the particular kind of intoxicating liquor sold, and any mis-description of it shall be considered wholly immaterial.

Mis-description immaterial.

6. In any such suit, in case it be alleged in the summons that the sale complained of was made to a person therein named, and, on the trial, the prosecutor shall fail to prove such charge, but proof shall be given of a sale to another person, the suit shall not thereby be defeated, but the justices shall adjudicate upon the

If proof different from summons, suit not defeated.

offence so proved, as if the same had been alleged in the summons; but in such case the defendant, upon application, shall be entitled to a continuance of not more than eight days to make his defence, and the prosecutor shall not be obliged again to prove his case, although, if he choose, he may bring additional proof in support of the prosecution, as well as proof to rebut the defence.

Appeal when to  
be made, &c.

7. No appeal shall be allowed to the defendant from the decision of the justices in case of a suit for any breach of the license law, unless the defendant shall, within ten days after such decision, become bound, with two sufficient sureties, in the penalty of twenty pounds to prosecute such appeal, and to pay all costs, fines, and penalties that may be awarded against him upon a final disposition of such suit; and also that he will not, during the pendency of the appeal, violate any of the provisions of this act, or of the chapter hereby amended.

Jail limits, not  
entitled to.

8. No person imprisoned under execution issued upon any judgment for a breach of the license laws, shall be entitled to jail limits or to the benefit of chapter one hundred and thirty-seven of the revised statutes, "Of the relief of insolvent debtors," until he shall have been imprisoned; if for the first offence, a period of fifteen days; and for the second, a period of thirty days.

Penalties.

9. Penalties incurred under this act may be recovered in the same manner as under the chapter hereby amended.

Bond.

10. The bond required by this act, and any conviction for violation of this act and of the chapter hereby amended, shall be, as near as may be, in the forms set forth in the schedule annexed hereto; and schedule D. annexed to the chapter hereby amended is repealed.

When in force.

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

Limitation of  
actions.

12. Prosecutions for offences against this act or the chapter hereby amended, shall be commenced within six months.

May be amended.

13. This act may be repealed or amended by any act passed during the present session.

## SCHEDULE.

### FORM OF APPEAL BOND.

Know all men by these presents, that we \_\_\_\_\_ and \_\_\_\_\_ are held and firmly bound unto our sovereign lady, queen Victoria, her heirs and successors, in the sum of twenty pounds, of lawful money of Nova-Scotia, to which payment we jointly and severally bind ourselves, our heirs, executors and administrators, by these presents. Sealed with our seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

The condition of the foregoing obligation is such, that if the above bounden [*party convicted*] shall prosecute an appeal from the judgment given against him for a violation of the license laws

by a Justice [or Justices] of the Peace for the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant [or last], and shall pay all fines, penalties, and costs that may be awarded against him upon a final disposition of such suit; and also if the said \_\_\_\_\_ shall not, during the pendency of such appeal, violate any provisions of the laws respecting licenses for the sale of intoxicating liquors, then the foregoing obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered, } [Seal.]  
in the presence of }

## FORM OF CONVICTION.

The within named defendant having been duly summoned, as mentioned in the annexed writ of summons, was this day convicted of the offence of violating the license laws, by selling intoxicating liquors, without license, to \_\_\_\_\_ upon his own confession [or upon default, or upon the oath of G. H. as the case may be, stating the manner of the party's conviction, and the names of the witnesses who may have been examined.]

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

C. D., J. P.  
E. F., J. P.

## CHAPTER 3.

An Act to continue and alter the Laws imposing Customs Duties.

[Passed the 31st day of March, 1855.]

## SECTION

1. Rev. Stat. chap. 12 continued.
2. Materials of ships.
3. Clocks.

## SECTION

4. Printing paper.
5. Articles exempted.

Be it enacted by the governor, council, and assembly, as follows:

1. Chapter 12 of the revised statutes, "Of customs duties," except as amended by sections two and three of the act of 1852, chapter 2, entitled, "An act to continue and amend the revenue laws," and also by section two of the act of 1854, chapter 9, entitled, "An act to continue and further amend the laws imposing customs duties," and also except as hereinafter further amended is hereby continued with those sections until the first day of April, in the year of our Lord one thousand eight hundred and fifty-six. Rev. Stat., ch. 12, continued.

2. The materials of ships registered and owned in this province, and wrecked or stranded on the coasts of the adjacent colonies, or elsewhere, shall be admitted into this province duty free. Materials of ships.

upon satisfactory proof, by affidavit, being given to the collector, of the identity of the materials.

Clocks.

3. All clocks shall hereafter pay a duty of twenty per cent. advalorem, instead of the duty heretofore imposed.

Printing paper.

4. Printing paper of not less than demy size shall be placed in the table of exemptions from duty.

Articles exempted.

5. Nothing contained herein shall operate to impose duties on articles exempted from duty under the "Act for giving effect, on the part of the province of Nova-Scotia, to a certain treaty between her majesty and the United States of America."

## CHAPTER 4.

### An Act to enlarge and amend the New Practice Act.

[Passed the 31st day of March, 1855.]

#### SECTION

1. 17 Vic., chap. 7 and 8 repealed.
2. What sections to remain in force.
222. Writs, when returnable.
223. Form of, how altered.
224. Notice on summons.
225. Notice in ejectment.
226. Notice of trial.
227. Causes, when entered.
228. Security for costs, how obtained, &c.
229. No plea in summary causes.
230. Change of venue.
231. No venue in body of writ.
232. Forms.  
Pleas—
233. In actions upon bills of exchange.
234. On contracts.
235. On policies on assurance, &c.
236. On specialties.
237. "Nil debet."
238. Matters on confession.
239. Payment.

#### SECTION

240. Actions for wrongs.
241. For trespass.
242. For taking goods, &c.
243. No further pleadings.
244. Section 66 amended.
245. Section 165 repealed.
246. Issue may be tried by judge.
247. Adjournment.
248. Costs on new trial.
249. Loss of bill of exchange, &c.
250. In ejectment, security for costs in second action.
251. Notice of trial.
252. Notice to plead, &c.
253. Section 108 repealed.
254. Addresses to jury.
255. Rule nisi.
256. Bail bond.
257. Writs of enquiry.
258. General rules.

Be it enacted by the governor, council, and assembly, as follows :

17 Vic., ch. 7  
and 8 repealed.

1. The acts seventeenth Victoria, chapter seven, and chapter eight, for amending the new practice act, and for facilitating proceedings thereunder, are repealed.

What sections  
to remain in  
force.

2. The several sections of the same act, numbers one to two hundred and twenty-one, shall remain in full force, except in so far as they are repealed by, or are inconsistent with, the following clauses, which shall be cited and referred to as consecutive sections of the act, and are herein numbered accordingly, beginning at section or number two hundred and twenty-two, as follows :

No. 222. There shall hereafter be no special return days for writs of summons, but such writs shall be returnable within ten days after the service thereof, if the defendant shall reside in the county in which the action is brought; within twenty days after service if he shall reside in any other county, except in the island of Cape Breton; and within thirty days if he shall reside in the island of Cape Breton, and the action is brought in any county not in the island; or if he shall reside out of the island, and the action is brought in any county within the island; and judgment may be entered against the defendant if he shall not appear and plead within four days after the expiration of such periods of ten, twenty, or thirty days, as the case may be.

Writs, when returnable.

223. The forms of writs of summons shall be so far altered as to summons the defendant to appear "within ten, twenty, or thirty days (as the case may be) after the service of this writ," instead of on the return days hereby superseded.

Form of, how altered.

224. The notice to be endorsed on the writs of summons shall hereafter be as follows:

Notice on summons.

Notice is hereby given, that if the defendant do not appear and plead within four days after the period specified in the writ for his appearance, the plaintiff shall be at liberty to sign [judgment by default, *if there are no particulars of demand annexed*; and if *there be particulars of demand,*] final judgment for any sum not exceeding the sum claimed in his particulars of demand, with interest at the rate specified, and costs.

225. In ejectment the notice shall be as follows:

Notice in ejectment.

Notice is hereby given, that if the defendant do not appear and defend the possession of the property claimed by the within writ, or such part thereof as he may be advised, the plaintiff will be at liberty to sign judgment at the expiration of four days after the period specified in the writ for his appearance, and the defendant may thereupon be turned out of possession.

226. Notice of trial may be endorsed on writs of summons.

Notice of trial.

227. No cause shall be entered on the docket for trials wherein the period allowed for pleading shall not have expired before the first day of term in all other counties except Halifax, and before the last day of term in Halifax.

Causes, when entered.

228. Prothonotaries shall have power to grant orders for the stay of proceedings in a cause until security for costs be filed upon sufficient grounds laid by affidavit in the same way such orders are now granted by the supreme court or a judge; but any party dissatisfied with a prothonotary's decision may, at any time within twelve days thereafter, apply to the supreme court, upon motion, or a judge at chambers, by summons, upon affidavit, for a re-hearing; a plea filed in the meantime, or other proceeding taken on the part of plaintiff or defendant, shall not prejudice the party claiming a re-hearing.

Security for costs, how obtained, &c.

229. In summary causes where the plaintiff claims less than twenty pounds, the defendant shall not be required to file or serve

No plea in summary causes.

a written plea, but he shall serve a written notice of appearance, [in which he shall state briefly the grounds of his defence, and, if he means to rely upon a sett off, he shall serve the plaintiff or his attorney with the particulars thereof.]

Change of venue.

230. No venue shall be changed without a special order of the court or a judge, unless by the consent of the parties.

No venue in body of writ.

231. The name of the county in the writ shall in all cases be taken to be the venue intended by the plaintiff, and no venue shall be stated in the body of the writ or declaration, or in any subsequent pleading: provided that in cases where local description is now required such local description shall be given.

Forms.

232. The forms contained in schedule B, annexed to the new practice act shall be sufficient, and those and the like forms may be used, with such modifications as may be necessary to meet the facts of the case; but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as the substance is expressed without prolixity.

Pleas—  
In actions upon bills of exchange.

233. In all actions upon bills of exchange and promissory notes, pleas that the defendant "never was indebted," or "did not promise as alleged," shall be inadmissible. In such actions therefore, a plea in denial must traverse some matter of fact: for example, the drawing; or making, or indorsing, or accepting, or presenting, or notice of dishonor of the bill or note.

On contracts.

234. In every species of actions on contracts, all matters in confession, and avoidance, including not only those by way of discharge but those which show the transaction to be either void or voidable in point of law on the ground of fraud or otherwise, shall be specially pleaded; for example, infancy, coverture, release, payment, performance, illegality of consideration, either by statute or by common law, drawing, indorsing, accepting, &c., bill or note by way of accommodation, set off, mutual credit, unseaworthiness, misrepresentations, concealment, deviation, and various other defences, must be pleaded.

On policies on assurance, &c.

235. In actions on policies of assurance, the interest of the assured may be avowed thus:—"That A. B. C. and D. (or some or one of them) were or was interested," &c. And it may be also averred "that the insurance was made for the use and benefit and on the account of the person or persons so interested."

On specialties.

236. In actions on specialties and covenants, the defendants plea that the alleged deed is not his deed shall operate as a denial of the execution of the deed in point of fact only, and all other defences shall be specially pleaded, including matters which make the deed absolutely void as well as those which make it voidable.

"Nil debet."

237. The plea of "*nil debet*" shall not be allowed in any action.

Matters in confession.

238. All matters in confession and avoidance shall be pleaded specially as above directed in actions on simple contracts.

Payment.

239. Payment shall not in any case be allowed to be given in evidence in reduction of damages or debt unless the same shall be pleaded in bar.

240. In actions for wrongs independent of contract a plea that the defendant *did not do* which is complained of by the plaintiff shall operate as a denial only of the breach of duty, or wrongful act, alleged to have been committed by the defendant, and not of the facts stated in the inducement, and no other defence than such denial shall be admissible under that plea. All other pleas in denial shall take issue on some particular matter of fact alleged in the writ or declaration; and all matters in confession or avoidance shall be pleaded specially as in actions on contracts. Actions for wrongs.

241. In actions for trespass to land, a plea that the defendant did not commit the trespass complained of shall operate as a denial that the defendant committed the trespass alleged in the place mentioned, but not as a denial of the plaintiff's possession or right of possession of that place, which, if intended to be denied, must be traversed specially. For trespass.

242. In actions for taking, damaging, or converting the plaintiff's goods, a plea denying the defendant's having committed the wrong alleged by taking, damaging, or converting the goods mentioned, shall not operate as a denial of the plaintiff's property therein, which, if intended to be denied, must be traversed specially. For taking goods, &c.

243. There shall be no further pleadings after the plea of the defendant, except a demurrer thereto, or a replication to a plea of set-off, or plea of matter occurring subsequently to the commencement of the action, unless by the special leave of the court, or a judge, or an application to allow such further pleading, which shall only be allowed in case the real question or questions, whether of fact or law between the parties, cannot conveniently be raised and put in issue by the amendment of the previous pleadings; and where there is no replication the plaintiff shall be taken to have joined issue on the defendant's pleas. No further pleadings.

244. The number of fourteen days in section sixty-six is reduced to ten days. Sec. 66 amended.

245. The one hundred and sixty-fifth section is repealed. Sec. 165 repealed.

246. The parties to any cause now triable by jury, may, by consent, in open court, or writing signed by them or their attorney or counsel, as the case may be, and at any time before trial, leave the decision of any issue of fact to the presiding judge; provided that the court, upon motion, or the presiding judge, shall, in their or his discretion, think fit to allow such trial. And such issue in fact may thereupon be tried and determined, and damages assessed, where necessary, in open court, in term, or the sittings after the term, by the presiding judge, whose decision shall be of the same effect as the verdict of a jury, save that it shall not be questioned upon the ground of being against the weight of evidence; and the proceedings upon and after such trial as to the power of the court or judge, the moving for a new trial, the evidence and otherwise, shall be the same as in the case of trial by jury. Issue may be tried by judge.

247. It shall be lawful for the presiding judge, at the trial of Adjournment.

any cause where he may deem it right for the purposes of justice, to order an adjournment for such time during the same term or sittings, and subject to such rules and conditions as to costs and otherwise, as he may think fit.

Costs on new trial.

248. When a new trial is granted on the ground of mis-direction, or that the verdict was against evidence, the costs of the first trial shall abide the event, unless the court shall otherwise order.

Loss of bill of exchange, &c.

249. In case of any action founded upon a bill of exchange, or other negotiable instrument, it shall be lawful for a court, or a judge, to order that the loss of such instrument shall not be set up; provided an indemnity is given, to the satisfaction of the court or judge, against the claims of any other person upon such negotiable instrument.

In ejectment, security for costs in second action.

250. If any person shall bring an action of ejectment, after a prior action of ejectment for the same premises has been, or shall have been, unsuccessfully brought by such person, or by any person through or under whom he claims, against the same defendant or against any person through or under whom he defends, the court or a judge may, if they or he think fit, on the application of the defendant, at any time after such defendant has appeared to the writ, order that the plaintiff shall give to the defendant security for the payment of the defendant's costs, and that all further proceedings in the cause shall be stayed until such security be given, whether the prior action has been or shall have been disposed of by discontinuance, by non-suit, or by judgment for the defendant.

Notice of trial.

251. A notice of trial shall be given to the defendant or his attorney, in every cause where the defendant resides within the county (except in the island of Cape Breton) in which the action is brought, at least eight days; if in any other county, at least fourteen days, and if the defendant resides in Cape Breton, and the action is brought in any county not in the island, or if the defendant resides out of Cape Breton, and the action is brought within any county in the island, at least twenty-one days before the first day of the term or the sittings thereafter, and if the plaintiff shall not proceed to trial pursuant to such notice, he shall be liable to pay to the defendant the costs of not proceeding to trial, unless he can shew good cause to the contrary, or shall have given to the defendant or his attorney, in case he has appeared, notice of countermand of such trial at least four days, or in case the defendant resides in Cape Breton, and the action is brought in any county not in the island, or the action is brought in any county within the island, and the defendant resides out of the island, at least fourteen days before the first day of the term or of the sittings thereafter, but the plaintiff shall, notwithstanding such countermand, pay all the costs which the defendant has actually been put to prior to such notice of countermand, in consequence of the notice of trial.

Notice to plead, &c.

252. Hereafter, with any amended declaration, plea, or subse-

quent pleading, delivered in any cause in term or vacation, a notice to the following effect may be endorsed:—Ten days are given to the plaintiff or defendant to plead *reply*, &c. in the cause; and thereupon, if the party thus notified shall neglect to file his plea, replication, rejoinder, or other pleadings, as the case may be, within ten days from the time of service of such notice, and to deliver a copy of the same to the opposite attorney, the party giving such notice shall, after the expiration of that time be at liberty, being plaintiff in the cause, to mark a default as for want of plea; or, being defendant, to sign judgment of *non pros*: provided, however, that the court or a judge may, upon application, grant further time to plead; and may also, upon proper cause alleged and verified, order such default or *non pros* to be set aside, upon such terms as shall be thought reasonable and just: and provided also, that the court or any judge thereof may, in such cases as require it, give a rule or order to plead, reply, &c., within any shorter period than ten days.

253. Section one hundred and seventy-four is hereby repealed. Section 174 repealed.

254. Upon the trial of any cause, civil or criminal, the addresses to the jury shall be regulated as follows:—The party who begins, or his counsel, shall be allowed, in the event of his opponent not announcing, at the close of the case, of the party who begins his intention to adduce evidence, to address the jury a second time at the close of such case, for the purpose of summing up the evidence; and the party on the other side, or his counsel, shall be allowed to open the case, and also to sum up the evidence (if any); and the right to reply shall be the same as at present. Addresses to jury

255. Whenever a party against whom a verdict has been passed shall have been refused a rule nisi to set it aside, by the judge presiding at the trial, and gives the security required by the statutes in such cases to enable him to bring the objections he makes to the verdict under the consideration of the whole court, a rule nisi, specifying such objection, shall pass, under which the party shall be at liberty to enter the case, and it shall stand for argument in the same manner as if the rule nisi had been granted by the judge presiding at the trial. Rule nisi.

256. Where a defendant is ordered to be held to bail under the sixth section, after he has appeared to the action, the form of the bail bond in the appendix number twenty-two, shall be modified accordingly. Bail bond.

257. Writs of enquiry shall be made returnable in ten days after the issuing thereof, and the party plaintiff shall be entitled to judgment for the amount awarded him, with his costs, in fourteen days after the execution of the writ. Writs of enquiry.

258. The judges in term at Halifax may, from time to time, make general rules for facilitating the practice of the court, and the effectual execution of this act, and of the act hereby amended; but such rules shall not go into operation till they shall have been published in the royal gazette; and all rules made since the passing of the said act are hereby confirmed. General rules.

## CHAPTER 5.

## An Act to authorize Assessments for Railway Damages.

[Passed the 31st day of March, 1855.]

## SECTION

1. Jury, how drawn.
2. List, how reduced.
3. Custos may act instead of clerk of the peace, when.
4. List of proprietors' lands, &c. how furnished. Appointment of person to strike, &c.
5. Venire.
6. Proceedings of jury.
7. Summons to set aside proceedings, &c. by parties aggrieved.

## SECTION

8. Access for jury, &c. to records.
9. Fees.
10. Vic. 17, chap. 1, sec. 16, 17 and 18 repealed.
11. Compensation to appraiser of county of Halifax.
12. Assessments, interest on.
13. In default of assessment, supreme court may amerce.

Be it enacted by the governor, council, and assembly, as follows :

1. On the first Tuesday of June in every year, between the hours of ten and twelve of the clock in the forenoon, the prothonotary of every county where lands have been taken for the track of railways, or for stations, and the same have been dedicated to the public, by registration of the description and plans thereof, shall, in the presence of the clerk of the peace, who is hereby required to be present at the prothonotary's office, and, in the presence of any other persons who may be desirous to attend, draw from the jury box the names of forty-eight persons then resident within the county, and liable and able to serve as petit jurors for the current year, as the names of special jurors are now drawn.

2. The clerk of the peace, on the one side, and the proprietors of lands so taken, on the other, shall reduce such list to twenty-four, by each striking off a name alternately, as special jurors are struck.

3. When the same person shall fill the office of prothonotary and clerk of the peace, and no person has been appointed for that purpose by a special sessions, who are hereby authorised to make such appointment, the custos of the county shall attend, and act on behalf of the county instead of the clerk of the peace, and in his absence, or in case a clerk of the peace or a custos be interested as claimants for damages, and no person being appointed as aforesaid, or if appointed, not attending, then any disinterested magistrate may act for the county.

4. The chairman of the board of railway commissioners shall furnish the prothonotary, previous to the striking of the jury, with a list of the names of the several proprietors through whose lands the railway surveyed runs, as returned to his office, with the quan-

Jury, how drawn.

List, how reduced.

Custos may act instead of clerk of the peace, when.

List of proprietors' lands, &c. how furnished.

ties of land in each case dedicated to the public. If the parties interested as proprietors, and present, shall agree upon any person to strike for them, then the prothonotary shall make a minute of that act in writing; and such person shall be allowed to strike off twelve names accordingly. If the proprietors present disagree as to who shall strike on their behalf, or if none of them attend, or if no person attend to strike on behalf of the county, then the prothonotary shall strike for the absent party, in the same way as special juries are struck. If no qualified party shall appear to strike on either side, the first twenty-four names drawn shall be the jury to be summoned.

Appointment of person to strike, &c.

5. The prothonotary shall thereupon forthwith issue a venire, as in schedule A, directing the sheriff to summon such jury to appear at a time and place therein named, not more than eight days distant; and the sheriff shall duly warn such jurors, and both he and the prothonotary shall attend at the return day named.

Venire.

6. The first twelve jurors who shall answer, upon being called from the original list in their order, shall then be sworn by the prothonotary, according to the form of oath in schedule B, and a panel of their names shall be prepared and attached by the prothonotary to the venire, which shall be handed to the sheriff, who shall proceed forthwith, or on a future day to be then named, and whereof the jury shall be duly notified, along with such jury, to examine the lands so taken and dedicated, and the jury shall make an appraisalment in writing, as in schedule C; and the sheriff shall, within thirty days next after such swearing in of the jury, file the said venire and panel, with the appraisements made, and his return, in the court of sessions, and such appraisalment shall be final.

Proceedings of jury.

7. The custos or clerk of the peace on behalf of the county or any other party aggrieved, may apply to a judge of the supreme court, upon affidavit, for a summons and order to set the proceedings aside in whole or in part; which summons shall be served upon the parties in the manner to be specified therein, but such proceedings shall not be set aside upon any mere technical objection, and costs shall not be recovered by the county, nor by such party, unless the damages be reduced or increased one-sixth, as the case may be. But the county shall pay the costs of such proceedings to the party if the damages be not so reduced, and the party shall pay the costs if the damages shall not be so increased as aforesaid. If the proceedings had shall be set aside in whole or in part, then the court or judge applied to shall direct proceedings to be taken anew, following as nearly as may be the directions of this act, and such new proceedings shall be as valid as if conformable in all particulars to the strict letter of this act, and shall be final.

Summons to set aside proceedings, &c., by parties aggrieved.

8. For the purpose of securing a fair and impartial assessment, the sheriff and jury shall have free access to all public offices, papers, plans and returns therein.

Access for jury, &c. to records.

9. The prothonotary and clerk of the peace or person acting for the county, shall be entitled to a fee of ten shillings each for their

Fees.

services, and the sheriff and jurors sworn shall be entitled each to the sum of five shillings per day while actually engaged in such appraisement, but not to exceed twenty shillings to each juror, and the sheriff shall be entitled to a further sum of twenty shillings for warning such jury, which fees shall be added to the sums appraised and be assessed, levied, and collected therewith.

Vic. 17, ch. 1,  
secs. 16, 17 and  
18 repealed.

10. Sections sixteen, seventeen, and eighteen, of chapter one of the laws passed in the seventeenth year of her present majesty's reign, entitled, an act to authorize the construction of railways in this province, are hereby repealed, but all appraisements that have been heretofore duly made in pursuance thereof, shall remain as if this act had not been passed.

Compensation  
to appraiser of  
county of Hali-  
fax.

11. The sessions of the county of Halifax may assess the county for such sum as they may consider sufficient to compensate the appraiser appointed by them on behalf of the county under the 17th section of chapter 1, of the act of 1854, for his services during the past year.

Assessments,  
interest on.

12. All assessments shall bear interest at six per cent. from the time when possession of the land shall be taken until payment.

In default of  
assessment, su-  
preme court  
may amerce.

13. If the sessions shall neglect or delay to make assessments under this act, or the act amended, or to cause the collection and payment of the sum assessed, it shall be lawful for the supreme court to amerce the county, and to enforce the collection of the assessment, with the addition of the costs incurred by the application to the supreme court, but no such application shall be made until after the ensuing easter term.

## SCHEDULE A.

### VENIRE.

To-wit:

To the sheriff of the said county :

You are hereby commanded to summon \_\_\_\_\_ jurors, duly appointed, to appear at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at 11 o'clock, A. M., then and there to qualify themselves for the purpose of appraising the damages sustained by certain proprietors of lands taken for railway purposes. And have you then there this writ.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 185 \_\_\_\_\_

## SCHEDULE B.

### JUROR'S OATH.

You swear that you will truly appraise the damages sustained by the respective proprietors of lands taken for the track of railways, and for station, and for materials taken from any land for railway purposes, commencing at \_\_\_\_\_ and ending at \_\_\_\_\_ [Being that portion of the line whereof the description has been recorded.] And in making such appraisement you will take into consideration,

and first deduct, the benefit likely to be derived by such proprietors from the railway running through their land, according to the best of your judgment and ability.—So help you God.

### SCHEDULE C.

#### APPRAISEMENT.

- |  |   |   |
|--|---|---|
| A. B., for account railway purposes, and damages to buildings,       | } | £ |
| C. D., for account railway purposes, no buildings,                   |   |   |
| E. F., for account railway purposes, gravel, timber, &c., as may be, | } |   |
|  |   |   |

## CHAPTER 6.

An Act to amend the Act 17 Victoria, Chapter 2, authorizing a Loan for the construction of Railways within this Province.

[Passed the 31st day of March, 1855.]

#### SECTION

1. Deficiency.
2. Debentures, how issued.

#### SECTION

3. How payable.
4. Provisions to extend to debentures.

Be it enacted by the governor, council, and assembly, as follows :

1. In case a less sum than two hundred thousand pounds be borrowed in any one year under the act 17th Victoria, chapter 2, the deficiency may be added to the sum to be borrowed in the next or any succeeding year, provided that the sums to be borrowed shall not exceed the rate of two hundred thousand pounds per annum. Deficiency.

2. Debentures may be issued therefor under the authority of the act hereby amended, bearing interest at a rate less than six per cent. or at that rate, as the governor in council may from time to time determine to be most for the public interest. Debentures, how issued.

3. Such debentures may be made payable in currency or sterling monies, and in such sums as from time to time may be deemed most expedient by the governor in council. How payable.

4. All the provisions of the act hereby amended, except in so far as they are altered or modified hereby, shall extend to such debentures. Provisions to extend to debentures.

## CHAPTER 7.

An Act to amend Chapter 63 of the Revised Statutes, "Of Surveyors of Highways and Highway Labor, except in Halifax."

[Passed the 31st day of March, 1855.]

SECTION  
1. Clergymen exempted.

SECTION  
2. 17 Vic. chap. 18, section 2, repealed.

Be it enacted by the governor, council, and assembly, as follows :

Clergymen ex-  
empted.

1. Clergymen and ordained ministers shall not be required to labor on the highways.

17 Vic. chap. 18  
sec. 2 repealed.

2. The 2nd section of the act 17 Victoria, chapter 18, is repealed.

## CHAPTER 8.

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

[Passed on the 4th day of April, 1855.]

SECTION 1. Revised statutes, chapter 147, section 10, repealed.—Penalty for injury to trees.—Imprisonment.

Be it enacted by the governor, council, and assembly, as follows :

Rev. stat. chap.  
147, sec. 10 re-  
pealed.

Penalty for in-  
jury to trees.

1. Section 10 of the chapter hereby amended is repealed, and the following section substituted in place thereof:

"If any person shall illegally cut down or injure any tree growing on crown or private land, or shall illegally carry away any such tree when cut down, he shall, for every such tree, forfeit a sum not to exceed forty shillings to the commissioner of crown lands for the time being, for the use of the province, or of the owner of the soil, as the case may be."

Imprisonment.

"No person imprisoned under execution issued upon any judgment for breach of this section, shall be entitled to jail limits, or to the benefit of chapter 137 of the revised statutes, relating to insolvent debtors, until he shall have been imprisoned, if, for the first offence, a period of five days, and for the second or subsequent offence, a period of ten days."

## CHAPTER 9.

An Act to amend Chapter 135 of the Revised Statutes, "Of Witnesses and Evidence, and the Proof of Written Documents."

[Passed the 4th day of April, 1855.]

### SECTION

1. Part of sec. 11 revised statutes, chap. 135, repealed.
2. Parties in suits may give evidence, &c.
3. In criminal proceedings parties charged, and husbands, and wives, not competent.
4. Communication between husband and wife.
5. Not applicable to cases of adultery.
6. Proclamations, &c., judgments, &c. in what cases admitted as evidence, &c.—how proved, &c.
7. Document admissible in evidence in England, &c., without proof of signature, &c., admissible here.
8. Affidavits to hold to bail made abroad.
9. Proof of register, &c. of British ships.
10. Punishment for giving false certificate.
11. Parties authorised to administer oaths.
12. Punishment for forging documents referred to in this act.
13. 13th section repealed.
14. 2nd sec. 17 Vic. cap. 15, and part of 3rd and 6th sec. repealed.
15. Certified copy of deed may be received in evidence.
16. Probate of will, or certified copy, may be received in evidence.
17. Notice to be given to the opposite party.
18. Copy of grant.
19. Plans certified by prothonotary.
20. Affirmation.
21. Penalty for affirming falsely.
22. Party producing witness not to impeach his credit by evidence of bad character. May contradict him by other evidence.
23. Evidence of inconsistent statement of a witness—when to be received.

### SECTION

24. Examination of witness as to previous statements in writing.
25. Examination of witness relative to his conviction of crime.
26. Proof of instruments.
27. Proof by comparison of hand writing.
28. New matter in affidavits may be answered.
29. On hearing motion, judge may order production of documents and appearance of witnesses.
30. Mode of examination of witnesses.
31. Judge may compel appearance if party refuses to make affidavit or to produce documents.
32. Order—how to be proceeded on.
33. Production of documents in hands of the opposite party.
34. Interrogatories may, by order, be delivered with declaration or plea.
35. Application for order—how made.
36. In case of insufficient answer, party may, by order, be examined orally.
37. Oral examination—how taken.
38. Examination to be returned to prothonotary's office.
39. Report of judge or commissioner.
40. Costs.
41. Term "commissioner."
42. Examination abroad, by consent.
43. Rules for commissions may be granted by prothonotary.
44. Proceedings on return of commission.
45. Objections to examinations to be made on affidavit, and not on technical grounds.
46. First five sections not to apply to existing actions.

Be it enacted by the governor, council, and assembly, as follows :

1. So much of section eleven of chapter one hundred and thirty five of the revised statutes as renders incompetent as a witness a

Part of sec. 11  
revised statutes  
chap 135, rep.

party individually named as such upon the record, and the lessor of the plaintiff, and the tenant of the premises sought to be recovered in ejectment, and the landlord or other person in whose right any defendant in replevin may make cognizance, and any person in whose immediate and individual behalf any action may be brought or defended, and the husband or wife of such person, respectively, is hereby repealed.

Parties in suits may give evidence, &c.

2. On the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action, or other proceeding, in any court of justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, the parties thereto, and the person in whose behalf any such suit, action, or other proceeding, may be brought or defended, and the husbands and wives of the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought, or instituted, or opposed, or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the court, on behalf of either or any of the parties to the suit, action, or other proceeding.

In criminal proceedings parties charged, & husbands, & wives, not competent.

3. But nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable, to give evidence for or against himself, or shall render any person compellable to answer any question intending to criminate himself; and nothing herein contained shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding, or in any proceeding instituted in consequence of adultery.

Communication between husband and wife.

4. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

Not applicable to cases of adultery.

5. Nothing herein contained shall apply to any action, suit, proceeding, or bill, in any court of common law or court of marriage and divorce, instituted in consequence of adultery.

Proclamations, &c., judgments, &c., in what cases admitted as evidence, &c.—how proved.

6. All proclamations, treaties, and other acts of state, of any foreign state, or of any british colony; and all judgments, decrees, orders, and other judicial proceedings, of any court of justice in the United Kingdom of Great Britain and Ireland, or in any foreign state, or in any British colony; and all affidavits, pleadings, and other legal documents, filed or deposited in any such court, may be proved in any court of justice or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, either by examined copies or by copies authenticated as hereinafter mentioned, that is to say: if the document sought to be proved be a proclamation, treaty, or other act of state, the authenticated copy, to be admissable in evidence, must purport

to be sealed with the seal of the foreign state or British colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding, of any British, foreign, or colonial court, or an affidavit, pleading, or other legal document, filed or deposited in any such court, the authenticated copy, to be admissible in evidence, must purport either to be sealed with the seal of the said British, foreign, or colonial court to which the original document belongs, or in the event of such court having no seal, to be signed by the judge, or if there be more than one judge, by any one of the judges of the said court, and such judge shall attach to his signature a statement in writing on the said copy, that the court, whereof he is a judge, has no seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the seal where a seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

7. Every document which, by any law now in force or hereafter to be in force, is or shall be admissible in evidence of any particular in any court of justice in England, or Wales, or Ireland, without proof of the seal or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent and for the same purposes, in any court of justice in this province, or before any person having therein, by law or by consent of parties, authority to hear, receive, and examine evidence without proof of the seal, or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Documents admissible in evidence in England, without proof of signature, &c., admissible here.

8. All affidavits for the purpose of holding persons to bail in this province, or having relation to any judicial proceeding in any court of justice therein, purporting to be made before a judge of any court of justice in the United Kingdom, or in any foreign state, or in any British colony, if in other respects conformable to law and the practice of the court in which they are designed to be used, may, notwithstanding they are made before a judge of a British, foreign, or colonial court, be received and acted upon, and shall have the same effect as if made before a judge or other lawful authority in this province: provided the same purport to be sealed with the seal of the British, foreign, or colonial court, before one of the judges of which they purport to be made, or in the event of such court having no seal provided, the judge, whose name is subscribed thereto, shall have attached to his signature a statement in writing, on the affidavit that the court, whereof he is a judge, has no seal; but if any such affidavit shall purport to be

Affidavits to hold to bail made abroad.

sealed and signed, or to be signed without being sealed, as hereinbefore respectively directed, the same shall be respectively received and acted upon as aforesaid, and admitted in evidence in every court of this province, without any proof of the signature of the judge and seal of the court, where a seal is necessary, or of the signature, or of the truth of the statement, attached thereto, where such signature and statement are alone required, or of the judicial character of the person appearing to have made such signature, or signature and statement, respectively.

Proof of register, &c. of British ships.

9. Every register of, or declaration made, in respect of any British ship, in pursuance of any of the acts relating to the registry of British ships, may be proved in any court of justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof, purporting to be certified under the hand of the person having the charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one shilling; and every register, or copy of register, and also every certificate of registry granted under any of the acts relating to the registry of British vessels, and purporting to be signed as required by law, shall be received in evidence in any court of justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as presumptive proof of all the matter contained or recited in such register, when the register, or such copy thereof as aforesaid is produced, and of all the matters contained or recited in or endorsed upon such certificate of registry when the said certificate is produced.

Punishment for giving false certificate.

10. If any officer, authorised or required by this act to furnish any certified copies or extracts, shall wilfully certify any documents as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding three years.

Parties authorised to administer oaths.

11. Every court, judge, justice, officer, commissioner, arbitrator, or other person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence, is hereby empowered to administer an oath to all such witnesses as are legally called before them, respectively.

Punishment for forging documents referred to in this act.

12. If any person shall forge the seal, stamp, or signature of any document in this act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall, on conviction, be liable to imprisonment for any term not exceeding three years, nor less than one year; and whenever any such document shall have been admitted in evidence by virtue of this act, the court, or person who shall have admitted the same, may, at the request of any

party against whom the same is so admitted in evidence, direct that the same shall be impounded and kept in the custody of some officer of the court, or other person, for such period, and subject to such conditions as to the said court or person shall seem meet, and every person who shall be charged with committing any offence under this act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the county, district, or place in which he shall be apprehended or be in custody; and every accessory, before or after the fact, to any such offence, may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed in any county, district, or place in which the principal offender may be tried.

13. The thirteenth section of the chapter hereby amended is repealed. 13th sec. rep.

14. The second section of the act seventeenth Victoria, chapter fifteen, and so much of the third and sixth sections thereof as relate to evidence, are repealed. 2nd sec. 17 Vic. cap. 15, & part of 3d & 6th secs. repealed.

15. A copy of any deed from the books of registry, certified under the hand of the registrar, or proved to be a true copy taken therefrom, shall be received as evidence in the absence of the original, if it shall be made to appear to the court, by affidavit, that such original is not in the possession or under the control of the party, and that he has enquired for, and been unable to procure the same. Certified copy of deed may be received in evidence.

16. The probate of a will, or a copy thereof, certified under the hand of the judge or registrar of probate, or proved to be a true copy of the original will, when such will has been recorded, shall be received as evidence; but the court may, upon due cause shewn upon affidavit, order the original will to be produced in evidence. Probate of will, or certified copy may be received in evidence.

17. A party intending to avail himself of the two preceding sections, must give notice, in writing, of such his intention to the opposite party, at least ten days previous to the trial, with a schedule of the deeds or wills so intended to be given in evidence, and of the books wherein the same are recorded; but the judge may dispense with such notice if he is satisfied that no injustice has been done by the want thereof. Notice to be given to the opposite party.

18. A copy of any duplicate original of a grant, certified by the surveyor general, or by the registrar of deeds of any county where such grant is recorded, shall be received as evidence. Copy of grant.

19. A certificate of the prothonotary at Halifax, on the plan of any township returned under the sixth section of the act seventeenth Victoria, chapter fifteen, shall be presumptive evidence that the same is the original plan which it is alleged to be in such certificate, and such plan shall thereupon be received in evidence as such. Plans certified by prothonotary.

20. If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling, Affirmation.

from alleged conscientious motives, to be sworn, it shall be lawful for the court or judge, or other presiding officer or qualified persons, to take affidavits or depositions, upon being satisfied of the sincerity of such objections, to permit such person, instead of being sworn, to make his solemn affirmation or declaration, in the words following, videlicet :

“ I, A B, do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful, and I do solemnly, sincerely, and truly affirm and declare, etc.”

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Penalty for affirming falsely.

21. If any person making such solemn declaration or affirmation shall wilfully, falsely, and corruptly affirm or declare any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person, so offending, shall incur the same penalties as by the laws of this province are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Party producing witness not to impeach his credit by evidence of bad character.

22. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence or by leave of the judges, prove that he has made at other times a statement inconsistent with his present testimony ; but, before such last mentioned proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

May contradict him by other evidence.

23. If a witness, upon cross examination, as to a former statement made by him, relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given, that he did in fact make it ; but, before such proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion, must be mentioned to the witness and he must be asked whether or not he has made such statements.

Evidence of inconsistent statement of a witness—when to be received.

24. A witness may be cross examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him ; but, if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him : provided always, that it shall be competent for the judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

Examination of witness as to previous statements in writing.

25. A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor ; and, upon being

Examination of witness relative

so questioned, if he either deny the fact or refuse to answer, it shall be lawful for the opposite party to prove such conviction, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the courts where the offender was convicted, or by the deputy of such clerk or officer (for which certificate a fee of five shillings and no more, shall be demanded and taken) shall, upon proof of the identity of the person, be sufficient evidence of the conviction, without proof of the signature or official character of the person appearing to have signed the same.

to his conviction  
of crime.

26. It shall not be necessary to prove, by the attesting witness, any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

Proof of instru-  
ments.

27. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

Proof by com-  
parison of hand  
writing.

28. Upon motions founded upon affidavits, it shall be lawful for either party, with leave of the court or a judge, to make affidavits in answer to the affidavits of the opposite party upon any new matter arising out of such affidavits, subject to all such rules as may hereafter be made respecting such affidavits.

New matter in  
affidavits may  
be answered.

29. Upon the hearing of any motion or summons, it shall be lawful for the court or a judge, at their discretion, and upon such terms as they shall think reasonable, from time to time, to order such documents as they may think fit to be produced, and such witnesses as they may think necessary to appear and be examined *viva voce*, either before such court or judge, or before a commissioner, and upon hearing such evidence, or reading the report of such commissioner to make such rule or order as may be just.

On hearing mo-  
tion judge may  
order produc-  
tion of docu-  
ments, and ap-  
pearance of wit-  
nesses.

30. The court or a judge may, by such rule or order, or any subsequent rule or order, command the attendance of the witnesses named therein, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such rule or order; and such rule or order shall be proceeded upon, as nearly as may be, in the same manner as rules or orders made for the depositions *de bene esse* of witnesses, to be taken before a judge or commissioner are now proceeded upon; and it shall be lawful for the court, or judge, or commissioner, to adjourn the examination from time to time as occasion may require, and the proceedings upon such examination shall be conducted, and the depositions taken down, as nearly as may be, in the mode now in use with respect to the *viva voce* examination of witnesses *de bene esse* when about to leave the province.

Mode of exami-  
nation of wit-  
nesses, &c.

Judge may compel appearance if party refuses to make affidavit, or to produce documents.

31. Any party to any civil action or other civil proceeding in the supreme court, requiring the affidavit of a person who refuses to make an affidavit, may apply, by summons, for an order to such person to appear and be examined upon oath, before a judge or commissioner, to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an affidavit; and a judge may, if he think fit, make such order for the attendance of such person before the person therein appointed, to take such examination, for the purpose of being examined as aforesaid, and for the production of any writings or documents to be mentioned in such order, and may thereupon impose such terms as to such examination, and the costs of the application and proceedings thereon, as he shall think fit.

Order—how to be proceeded on.

32. Such order shall be proceeded upon (as nearly as may be) in like manner as an order made under the second section of chapter one hundred and thirty-five of the revised statutes is now proceeded upon, and the examination thereon shall be conducted, and the depositions taken down and returned, as nearly as may be, in the mode now used with respect to the examination *de bene esse* under the last mentioned statute of witnesses about to leave the province.

Production of documents in hands of the opposite party.

33. Upon the application of either party to any cause or other civil proceeding in the supreme court, upon an affidavit of such party of his belief that any document, to the production of which he is entitled for the purpose of discovery or otherwise, is in the possession or power of the opposite party, it shall be lawful for the court or judge to order that the party, against whom such application is made, or if such party is a body corporate, that some officer to be named of such body corporate shall answer on affidavit, stating what documents he has in his possession or power relating to the matters in dispute, or what he knows as to the custody they are in, and whether he objects (and if so, on what grounds) to the production of such as are in his possession or power; and upon such affidavits being made, the court or judge may make such further order thereon as shall be just.

Interrogatories may, by order, be delivered with declaration or plea.

34. In all causes in the supreme court, by order of the court or a judge, the plaintiff may, with the declaration, and the defendant may, with the plea, or either of them by leave of the court or a judge, may, at any other time, deliver to the opposite party, or his attorney, (provided such party, if not a body corporate, would be liable to be called and examined as a witness upon such matter) interrogatories, in writing, upon any matter as to which discovery may be sought, and require such party, or in the case of a body corporate, any of the officers of such body corporate, within ten days, to answer the question in writing, by affidavit, to be sworn and filed in the ordinary way; and any party or officer omitting, without just cause, sufficiently to answer all questions as to which a discovery may be sought, within the above time, or such extended time as the court or a judge shall allow, shall

be deemed to have committed a contempt of the court, and shall be liable to be proceeded against accordingly.

35. The application for such order shall be made upon the affidavit of the party proposing to interrogate, and of his attorney or agent, or in case of a body corporate, of their attorney or agent, stating that the deponents believe that the party proposing to interrogate, whether plaintiff or defendant, will derive material benefit in the cause from the discovery which he seeks, that there is a good cause of action or defence upon the merits, and if the application be made on the part of the defendant, that the discovery is not sought for the purpose of delay: provided, that when it shall happen from unavoidable circumstances that the plaintiff or defendant cannot join in such affidavit, the court or judge may, if they think fit, upon affidavit of such circumstances by which the party is prevented from so joining therein, allow and order that the interrogatories may be delivered without such affidavit.

Application for order—how made.

36. In case of omission, without just cause to answer sufficiently such written interrogatories, it shall be lawful for the court or a judge, at their discretion, to direct an oral examination of the interrogated party, as to such points as they may direct, before a judge or commissioner; and the court or a judge may, by such rule or order, or any subsequent rule or order, command the attendance of such party before the person appointed to take such examination, for the purpose of being orally examined as aforesaid, or the production of any writings or other documents to be mentioned in such rule or order, and may impose therein such terms as to such examination, and the costs of the application, and of the proceedings thereon, and otherwise as to such court or judge shall seem just.

In case of insufficient answer, party may, by order, be examined orally.

37. Such rule or order shall have the same force and effect, and may be proceeded upon, as nearly as may be, in like manner as an order made for the deposition *de bene esse* of witnesses about to leave the province, to be taken before a judge or commissioner, except that the answers to the interrogatories, or the oral examinations under this act, shall be held to be taken absolutely, and not *de bene esse*, unless otherwise specially ordered.

Oral examination—how taken.

38. Whenever, by virtue of this act, an examination of any witness has been taken before a judge of the supreme court, or before a commissioner, the depositions taken down by such examiner shall be returned to, and kept in the office of the prothonotary of the court, and office copies of such depositions may be given out, and the depositions may be otherwise used in the same manner as in the case of depositions now taken *de bene esse* of witnesses about to leave the province, except that the depositions taken under this act shall be held to be taken absolutely, unless otherwise specially ordered.

Examination to be returned to prothonotary's office.

39. It shall be lawful for every judge or commissioner named in any such order or rule as aforesaid for taking examinations under this act, and he is hereby required to make, if need be, a

Report of judge or commissioner

special report to the court, touching such examination, and the conduct or absence of any witness or other person thereon or relating thereto; and the court is hereby authorised to institute such proceedings, and make such order or orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the court.

**Costs.** 40. The costs of every application for any rule or order to be made for the examination of witnesses by virtue of this act, and of the rule or order, and proceedings thereon, shall be in the discretion of the court or judge by whom such rule or order shall be made.

**Term "commissioner."** 41. The term commissioner, when used in this act, shall include a commissioner appointed for taking affidavits to hold to bail, and a commissioner specially appointed under this act.

**Examination abroad by consent.** 42. If the parties in any cause pending in any court, consent, in writing, to examine witnesses residing out of the province, whether by interrogatories or *viva voce*, such consent, and the proceedings had thereunder shall be as valid in all respects as if a commission had been sued out and the proceedings had thereunder.

**Rules for commissions may be granted by prothonotary.** 43. Rules for commissions for the examination of witnesses residing out of the province may be made by any prothonotary, upon the usual ground laid in the same way as the supreme court or a judge thereof grant the same.

**Proceedings on return of commission.** 44. Examination of witnesses residing abroad may be opened by the prothonotary of the court at the instance of either party; and either party may notify the other of their being so returned, and no objections to such examinations being read shall avail, unless taken within eight days next after such notice served; the party objecting shall be required to specify his objections in writing, and the court or a judge, on summons, may then hear such objections and decide thereon.

**Objections to examinations to be made on affidavit, and not on technical grounds.** 45. No examination of witnesses residing abroad, or taken *de bene esse*, shall be set aside by the court or any judge thereof, unless the party objecting shall lay grounds by affidavit, which may be opposed as in other cases, and unless the court or judge shall be of opinion that the objections are not of a purely technical character, and that substantial justice requires that such objections should prevail, which shall be so expressed in the order.

**First five sections not to apply to existing actions.** 46. The first five sections of this act shall not apply to any actions that have been commenced before the passing of this act.

## CHAPTER 10.

## An Act to continue and amend the laws relative to the Militia.

[Passed the 31st day of March, 1855.]

## SECTION

1. Chap. 29 of the revised statutes continued.
2. 17 Vic., chap. 34 continued. 6th sec. repealed.
3. Remuneration of adjutant general, quarter master general, and adjutants.
4. Sale of unserviceable arms, &c.
5. Purchase of improved arms, &c.
6. Formation of grenadier, light infantry, or rifle companies, and troops of cavalry.

## SECTION

7. Distribution of arms.
8. Volunteer companies first for actual service.
9. Provisions of militia law extended to volunteer companies.
10. Dress—horses.
11. Volunteers, what exempted from.
12. No fees on commissions.

Be it enacted by the governor, council, and assembly, as follows :

1. Chapter 29 of the revised statutes, "Of the militia," is hereby continued until the first day of April, one thousand eight hundred and fifty six, except in so far as the same is altered by this act. Chap. 29 of the revised statutes continued.

2. The act 17 Victoria, chapter 34, entitled, an act to continue and amend chapter 29 of the revised statutes, "Of the militia," is hereby continued until the first day of April, one thousand eight hundred and fifty six, except the sixth section, which is repealed. 17 Vic., chap. 34 continued. 6 sec. repealed.

3. The adjutant general and quarter master general of the militia, and the adjutants of the several regiments and battalions in the province, shall receive the compensation for their services for the past year provided by law, on complying with the provisions thereof, any thing in the last mentioned act to the contrary notwithstanding. Remuneration of adjutant general, quarter master general and adjutants.

4. The governor in council may cause so many of the rifles, muskets, and other arms and accoutrements of the militia throughout the province as shall be considered unserviceable, to be sold by public auction, in the respective counties where they are now deposited, and the net proceeds of such sales to be paid into the treasury. Sale of unserviceable arms, &c.

5. A sum not exceeding two thousand pounds, may be expended by the governor in council, in the purchase and importation of improved arms and accoutrements for the use of the militia. Purchase of improved arms, &c.

6. The governor may invite the formation of artillery, grenadier, light infantry, or rifle companies, or troops of cavalry, to be composed of volunteers between the ages of eighteen and forty-five, in the several regiments or battalions, and to be commanded Formation of grenadier, light infantry, or rifle companies, and troops of cavalry.

by officers appointed by the governor, upon a certificate being made by the commanding officer of the regiment or battalion, that such officers have been chosen and approved by the several companies, or a majority of them.

Distribution of arms.

7. In case of arms being distributed to the militia within any regiment or battalion, such volunteer companies as shall have been formed, shall be first furnished with arms.

Volunteer companies first for actual service.

8. When the governor shall order any number of men for actual service, from any regiment or battalion, they shall be drafted from the volunteer companies, and where such volunteer companies shall have been formed, they shall, in all cases, be considered as the first class for actual service, and no drafts shall be made from other than volunteer companies, until the whole of such companies have been called into actual service.

Provisions of militia law extended to volunteer companies.

9. The several provisions of the militia law, hereby continued shall extend to such companies in so far as they are applicable thereto.

Dress—horses.

10. The dress of such companies, and the horses of such troops of cavalry, shall be provided by such volunteers at their own expense.

Volunteers, what exempted from.

11. Volunteers serving in such companies shall be exempted from statute labor, (except in respect of cattle and teams) and from serving on juries, or in the office of constable.

No fees on commissions.

12. No fees shall hereafter be demanded on militia commissions.

## CHAPTER 11.

### An Act concerning the Registry of Ships.

(Passed the 4th day of April, 1855.)

#### SECTION

1. Appointment of registrars.
2. Appointment of surveyor.
3. Salaries of registrars and surveyors.
4. Surveyor's fees.

#### SECTION

5. Part of "Merchant Shipping Act, 1854," repealed.
6. New certificate, how granted.
7. Suspending clause.

Be it enacted by the governor, council, and assembly, as follows :

Appointment of registrars.

1. The governor in council may appoint for every port at which they may deem it expedient, to authorize the registry of ships, a principal officer of customs, and of navigation laws, who shall be the registrar for all the purposes contemplated by the imperial act, entitled, "the merchants shipping act 1854," which is to come into operation on the first day of May, one thousand eight hundred and fifty five.

Appointment of surveyor.

2. The governor in council may appoint at every such port, and at any other port or ports in the province, an officer to superintend the survey and admeasurement of ships in conformity with

the said act, and the same person may be appointed both the registrar and surveyor at any such registry port.

3. Such registrars and surveyors shall receive for their services in addition to any fees by law allowed, such sums as may be annually granted by the Legislature. Salaries of registrars and surveyors.

4. Such surveyor shall be entitled to fees for the measurement of every vessel about to be registered for the first time, or requiring measurement for the purposes of registry, which fees shall be paid by the registered owner as follows : ten shillings for vessels under one hundred tons, fifteen shillings for vessels from one hundred to two hundred tons, and twenty shillings for vessels over two hundred tons, three pence per mile travelling fees going and returning. Surveyor's fees.

5. So much of the act entitled, "the merchant shipping act 1854" as is inconsistent with this act, is hereby repealed as to ships registered in this province. Part of "Merchant Shipping Act, 1854," repealed.

6. In the event of the certificate of registry of any ship being mislaid, lost or destroyed, the registrar of the proper port shall grant a new certificate, as the case may require, on proof by affidavit of the original certificate having been mislaid, lost or destroyed. New certificate, how granted.

7. This act shall not come into operation until the same shall have been confirmed by her majesty in council, nor until such approval shall be proclaimed in the royal gazette. Suspending clause.

## CHAPTER 12.

An Act to amend the Act 17 Victoria, Chapter 44, entitled, "An Act to authorize the Board of Works to lease or sell certain public property."

(Passed the 31st day of March, 1855.)

### SECTION

1. Vic. 17, chap. 44, sec. 1 repealed.

### SECTION

2. Governor's farm, &c., how vested, &c.

Be it enacted by the governor, council, and assembly, as follows :

1. The first section of the act hereby amended is repealed. Vic. 17, chap. 44, sec. 1, repealed.

2. The lot or tract of land known as the governor's farm on the shores of the harbor of Halifax, and so much of the land known as the governor's field, as extends in depth one hundred and twenty feet from the southern side line of spring garden road, in the city of Halifax, shall be and are hereby vested in the chairman or chief commissioner for the time being of the board of works, for the benefit of the province, to be used, leased, sold or conveyed, in whole or in part, in such manner as the governor in council may from time to time approve. Governor's farm, &c., how vested, &c.

## CHAPTER 13.

## An Act to authorize a Provincial Loan.

[Passed the 2nd day of April, 1855.]

## SECTION

1. Loan, how obtained, &c., not to exceed £10,000.
2. Money, when drawn for, and how.
3. Public funds, &c., pledged for repayment.

## SECTION

4. Accounts, &c. to be laid before Committee of the legislature.
5. Balance to be paid, when.

Be it enacted by the governor, council, and assembly, as follows :

Loan, how obtained, &c., not to exceed £10,000.

1. The governor may cause a cash account to be opened at one or more of the banks in the city of Halifax, and may borrow and receive from such banks such sum of money as may be necessary for the use of the province, in such amounts as may, from time to time, be required, and under such conditions, and upon such terms, agreements, and stipulations for the payment and re-payment of such monies, and for the management of such accounts as, by the governor in council, may be established, prescribed, and directed, with the consent of the directors of the bank; or otherwise may borrow and receive from any other persons, corporations, or companies, a sum, not to exceed ten thousand pounds, at the lowest interest at which such loan can be effected.

Money when drawn for, and how.

2. The money may be drawn for, and received, from time to time, in such sums, and under such restrictions and regulations as may be prescribed by the governor in council, with the consent of the lenders thereof.

Public funds, &c., pledged for repayment.

3. For the re-payment of all monies borrowed under this act, and for the final payment and discharge of the balance which shall be remaining due, and unpaid on the final closing of the accounts with such lender, with interest, the public funds, monies, and credits of this province, are hereby pledged and rendered liable.

Accounts, &c. to be laid before committee of the legislature.

4. An account of all sums borrowed or repaid under this act, with the date of the loans and re-payments, respectively, shall be laid before the joint committee of the legislature, appointed to examine the public accounts, together with the drafts and vouchers relating to the same, at its next session.

Balance to be paid, when.

5. The balance due for such loans, on the thirty-first day of December, in the year one thousand eight hundred and fifty-five, shall be paid off and discharged on or before the thirty-first day of March next thereafter.

## CHAPTER 14.

### An Act for the summary trials and punishment of offenders against Public Morals.

[Passed the 31st day of March, 1855.]

## SECTION

1. Trial and punishment of offenders.
2. Any justice, &c., may enter gambling houses, &c.

## SECTION

3. Not to be licensed.

Be it enacted by the governor, council, and assembly as follows :

1. Any person who shall keep a common gambling house, or disorderly house, shop, room, or place, may be summarily tried and convicted before two justices of the peace, (or, if in the city of Halifax, before the police court,) and, on conviction, shall be punished by a fine, not to exceed five pounds, or by imprisonment in jail or bridewell, with or without hard labor, for a term not exceeding one month, or be both fined or imprisoned as the said justices or police court may direct.

Trial and punishment of offenders.

2. Any justice of the peace, (or, if in the city of Halifax, the mayor, or any alderman,) may, at any time of the night or day, enter any house, shop, room, or place, suspected of being a gambling or bawdy house, shop, room, or place, and it shall be their duty, upon reasonable suspicion, or on evidence tendered them under oath so to do.

Any justice, &c. may enter gambling houses, &c.

3. No license to sell liquors shall be issued or granted to any person, who now does or hereafter shall keep a brothel, or house of ill fame.

Not to be licensed.

## CHAPTER 15.

### An Act to amend chapter 78 of the Revised Statutes, "Of Pilotage, Harbors and Harbor Masters."

(Passed on the 31st day of March, 1855.)

## SECTION

1. Harbor Master, how appointed, &c.
2. Amount of fees, how determined.
3. Harbor Masters to continue in office, how long.
4. Buoys and regulations regarding them; penalties, &c.

## SECTION

5. Rev. stat., chap. 78, sec. 16, 18 and 21, repealed.
6. Buoys, &c., how kept in repair, &c.
7. Fines.

Be it enacted by the governor, council, and assembly, as follows :

**Harbor master, may be appointed, &c.** 1. The sessions upon the recommendation of the grand jury may from time to time appoint and license one fit and proper person to be harbor master for any harbor within any county or district where it shall be judged by the sessions that the services of such officer may be required, and shall prescribe the duties of such harbor masters, and the limits of the harbors over which their authority shall extend.

**Amount of fees, how determined** 2. The sessions shall fix and determine the amount of fees to be paid to harbor masters, by vessels entering such harbors, provided they shall not exceed the fees payable at Sydney under schedule B. of the chapter hereby amended. Vessels engaged in the coasting trade and in fishing shall be exempt from such fees. But the sessions shall have no power to establish fees in respect of any navigable river which forms the dividing line between two counties.

**Harbor masters to continue in office, how long.** 3. Harbor masters heretofore appointed (except in the harbors of Sydney and Bridgeport) shall continue in office only until others shall be appointed in their place, or until they shall be reappointed under the provisions of this act.

**Buoys, &c., regulations re- garding them; penalties, &c.** 4. The general or any special sessions shall from time to time direct as many buoys and other marks to be placed in and about the various bays and harbors in their respective counties as to them may appear necessary for the safety of the shipping and the convenient navigation of those harbors respectively; and shall make regulations for the maintenance of such buoys and marks as well as of any buoys and marks heretofore placed or erected, or which may hereafter be erected by private enterprize or at the public expense, and may authorize the harbor masters to carry the same into effect, and may affix penalties for breach of any such regulations not to exceed five pounds for any one offence.

**Rev. st., ch. 78, sec. 16, 18 and 21 repealed.** 5. Section 16, 18, and 21 of such chapter are hereby repealed.

**Buoys, &c. how kept in repair, &c.** 6. The sessions may appropriate such part of the fees collected by harbor masters as they see fit to the procuring, placing, erecting, and keeping in repair of buoys and water marks in the harbor, where such fees are collected.

**Fines.** 7. The sessions may, by regulations to that effect, authorize the imposition of fines upon harbor masters for neglect of duty, not to exceed forty shillings for any one offence, to be sued for and recovered as other penalties are.

**Halifax' exoepted.** 8. The county of Halifax is excepted from the operation of this act.

## CHAPTER 16.

An Act to alter and amend Chapter 85 of the Revised Statutes,  
 "Of the regulation and inspection of Provisions, Lumber, Fuel,  
 and other Merchandize, so far as relates to the Inspection of  
 Fish."

(Passed the 31st day of March, 1855.)

## SECTION

1. Rev. stat., chap. 85, secs. 1—23, repealed.
2. Appointment of chief inspector. Bond, &c.
3. Appointment of deputies, &c.
4. All fish to be inspected, &c. Penalty on inspectors not duly appointed.
5. Dimensions of barrels, &c., of what materials to be made. Package to be branded by maker.
6. Salmon, No. 1. No. 2. Mackerel, No. 1. No. 2. Medium No. 2. No. 3. Medium No. 3. Small No. 4. "Sour." Herring, No. 1. No. 2. "Split." "Rusty" fish. Fish cured in "bulk." Tainted fish.
7. Fish to be well salted. How packed, &c. Casks to be filled up with pickle.
8. Fish to be weighed. Tierce. Barrel. Half barrel.
9. What to be branded on cask.
10. Fees.
11. Inspecting, &c. to be done in sight of inspector. Penalty.
12. Re-packing. Penalty.

## SECTION

13. Inspector, &c. must act. Proviso.
14. Penalty for intermixing, shifting, &c.
15. Penalty for exporting fish not branded, &c. Vessel not allowed a clearance.
16. Deputies shall account to chief inspector, &c.
17. Return to provincial secretary, when to be made, &c.
18. Re-inspection, &c.
19. Prosecution of penalties against inspectors.
20. Penalties, how recovered.
21. Appointment of inspectors.
22. Must be weighed, &c. in inspector's sight.
23. No. 1. No. 2. Refuse. Weight of box.
24. Materials of boxes, dimensions, &c.
25. How branded.
26. Fees.
27. Penalty on inspector not appointed.
28. Penalty for intermixing, &c.
29. Penalty for exporting fish not branded.
30. Penalty for inspecting.

Be it enacted by the governor, council, and assembly, as follows :

1. The sections of the above act, from 1 to 23 inclusive are hereby repealed. Rev. stat., ch. 85, secs. 1-23 repealed.
2. The governor in council shall appoint in and for every county a chief inspector of pickled fish, who shall be sworn into office, and shall give a bond, with two sureties, in five hundred pounds, to her majesty, for the faithful discharge of his duty, but chief inspectors now in office shall remain until removed by the government. Appointment of chief inspector. Bond, &c.
3. Every chief inspector shall appoint a sufficient number of deputies, to act under him during pleasure, whose duty it shall be to carry out faithfully the provisions of this act. And he shall be responsible for their official conduct, and shall take a bond from each of them, in one hundred pounds, with two sureties, and every such deputy shall be sworn to the faithful discharge of his duty. Appointment of deputies, &c.

On any chief inspector ceasing to hold his office, such bonds shall be deemed to be assigned to his successor, and the deputies shall become and be the deputies of such successor. Deputies already in office shall remain until removed.

All fish to be inspected, &c.

4. All pickled fish intended for exportation in tierces, barrels, or half barrels, shall be inspected, weighed, and branded, in accordance with this act, by a chief or deputy inspector, duly appointed and sworn. And any person who shall inspect or brand any cask of pickled fish without being duly appointed and sworn shall be liable to a penalty of five pounds for every cask inspected or branded by him.

Penalty on inspectors not duly appointed.

#### PACKAGES.

Dimensions of barrels, &c.; of what materials to be made.

5. All tierces, barrels, and half barrels, in which pickled fish is intended to be packed, shall be made of sound well seasoned split or sawed staves, free from sap, and in no case to be of hemlock, and the heading shall be of hardwood, pine, or spruce, free from sap, and plained on the outsides, and shall be at least three quarters of an inch in thickness; the staves shall be five-eighths of an inch in thickness; staves for salmon and mackarel barrels shall be twenty eight inches in length, and the heads between the chimes seventeen inches. Staves for barrels for herring and alewives twenty seven inches in length, and the heads between the chimes shall be sixteen inches. The bung stave of all packages shall be of hardwood, and all casks shall be hooped one third of their whole length from each chime, with sound good hoops, of not less than one inch in width, at the large end for all tierces and barrels, and in no case to be of alder.

Package to be branded by maker.

The makers of all tierces, barrels, and half barrels, shall brand the initials of their christian name, and their whole surname, at or near the bung stave, under a penalty of five shillings for every package not so branded.

6. The qualities of pickled fish shall be classed as follows :

#### SALMON.

Salmon, No. 1.

Salmon to be branded *No. 1* shall consist of the largest, best, and fattest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust, or damage of any kind.

No. 2.

Those to be branded *No. 2* shall comprehend the best salmon that remain after the selection of the first quality, and shall be good sound fish, well split and cured, in good condition, and in every respect free from taint, rust, or damage of any kind.

No. 3.

Those to be branded *No. 3* shall consist of those that remain after the selection of the two first qualities, but must be good fish, fairly split, and in every respect free from taint, rust, or damage of any kind.

#### MACKAREL.

Mackarel, No. 1

Mackarel to be branded *No. 1* shall consist of the best and fattest mackarel, being well split, having the blood well washed out

before being salted, well cured, in the best condition, and free from taint, rust, or damage of any kind. And shall measure not less than fifteen inches from the extremity of the head to the crotch, or fork of the tail.

Those to be branded *No. 2* shall comprehend the best mackarel that remain after the selection of the first quality, and shall be properly split, and washed, well cured, and in every respect free from taint, rust, or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch of the tail. No. 2.

All those of the same kind and quality, measuring from eleven to fourteen inches as above described, shall be branded with the letters *med.* for medium *No. 2*. Medium No. 2.

Those to be branded *No. 3* shall consist of good sound mackarel, properly washed, well cured, and free from taint, rust, or damage of any kind, and shall measure thirteen inches and upwards from the extremity of the head to the crotch of the tail. All those that measure from eleven to thirteen inches shall be branded with the letters *med.* for medium, in addition to *No. 3*. No. 3.  
Medium No. 3.

All mackarel under eleven inches in length, of good sound quality, and free from taint, rust, or damage of any kind, shall be branded with the word *small* in the place of a number. "Small."

All short, sunburnt, or ragged mackarel of whatever class, and not otherwise defective, shall be branded *No. 4*. No. 4.

All sour mackarel of whatever class, shall be branded with the word *sour* in addition to the other brands. "Sour."

#### HERRING AND ALEWIVES.

Herring or alewives to be branded *No. 1* shall consist of the largest and best fish. Herring, No. 1.

And those to be branded *No. 2* shall be the smaller and inferior description. Both qualities shall be well cleansed and cured, and in every respect free from taint, rust, or damage of any kind. No. 2.

All ripped herring shall be branded with the word *split* in addition to other brands. "Split."

All rusty fish of whatever kind or class shall be branded with the word *rusty* in addition to other brands. "Rusty" fish.

All fish known as pickled fish, that may be cured in bulk, and afterwards packed in barrels, shall be branded with the word *bulk* in addition to other brands. Fish cured in  
"bulk."

Tainted or damaged fish of any class or kind shall, on no account whatever, be permitted to pass inspection. Tainted fish..

7. All inspected pickled fish whether ripped or otherwise, shall have been well struck or salted, in the first instance, and the qualities shall be those prescribed in the sixth clause; the fish shall be very carefully sorted and classed, according to their respective numbers and qualities. Fish to be well  
salted.

Each cask shall contain fish of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed How packed, &c.

ed in the cask, a sufficient quantity of suitable salt shall be regularly placed. The quantity to be not less than half a bushel for a barrel, and in like proportion for other packages, at the discretion of the inspector.

Casks to be filled up with pickle.

After the cask shall have been properly packed and headed, it shall be filled with clean pickle, sufficiently strong to float a fish of the kind packed.

Herring and alewives and all mackarel except *No. 1* and *No. 2*, shall be packed with coarse salt.

Fish to be weighed.

S. Casks shall contain the quantity of fish hereinafter prescribed for each cask respectively. The fish shall be carefully weighed, perfectly clear of the salt and pickle, that is to say:

Tierce.

A tierce three hundred pounds.

Barrel.

A barrel two hundred pounds.

Half barrel.

An half barrel one hundred pounds.

What to be branded on cask.

9. There shall be branded on the head of every cask of pickled fish, in plain legible characters after the same has been inspected, classed, weighed and packed, in accordance with this act, the description of the fish, the number and the quality, the weight contained in the package, the initials of the christian name, and the whole surname of the chief or deputy inspector by whom the fish was actually inspected, the name of the place where he acts as inspector, the abridged name of the county, the letters *N. S.* for Nova Scotia, and the year of the inspection.

Fees.

10. FEES.—Every inspector who shall actually inspect and brand any cask or package of pickled fish, or any cask or package intended to contain pickled fish, in accordance with all the provisions of this act, shall be entitled to the following fees from the owner or the person who employed him:

For every tierce, seven and a half pence.

For every barrel, five pence.

For every half barrel, two and a half pence.

And for all casks or packages intended to contain pickled fish, one penny, to be paid by the owner or person who employed him

Inspecting, &c. to be done in sight of inspector.

11. The inspecting, classing, weighing, and branding any cask or casks of pickled fish, shall be done in the immediate presence and sight of an inspector; and any inspector suffering the same to be done, except in his immediate presence and sight, or who shall lend or suffer his branding irons to be taken to be used, shall be liable to a penalty of ten pounds for every offence.

Penalty.

Re-packing.

12. In every case, when it may become necessary, in consequence of any casualty, to re-pack a cask of inspected fish, such re-packing shall only be done by, or in the presence of, an inspector, if one be within five miles of the place of re-packing; and any other person attempting to re-pack or brand any such cask of pickled fish, shall be liable to a penalty of five pounds for every offence.

Penalty.

Inspector, &c., must act.

13. Every chief inspector, by himself or deputy, shall be obliged, without any unnecessary delay, to inspect all pickled fish,

under the provisions of this act, when called upon so to do, under a penalty of five pounds for every default: provided, that no inspector shall be obliged to proceed more than five miles from his place of residence for that purpose; nor shall any inspector be compelled to act, unless at least ten packages shall be ready for inspection; he shall likewise inspect all tierces, barrels, and half-barrels intended to contain the pickled fish that he is called upon to inspect, and condemn all such casks or packages as shall not be made conformable to the provisions of this act.

14. Whoever shall intermix, take out, or shift any inspected pickled fish, in or from any package that has been inspected, packed, and branded, or shall alter any brand on any cask of pickled fish, after it has been branded by a legally appointed inspector, or shall re-fill any package previously branded, or shift any head in any package, after it has been inspected and branded, shall be liable to a penalty of five pounds for every cask.

15. Any person who shall export, or attempt to export, any package of pickled fish, not inspected and branded in accordance with this act, shall forfeit ten shillings for every package exported, or attempted to be exported. Any vessel that shall have on board any pickled fish, not legally inspected and branded for the purpose, and with the intent of exporting such fish, contrary to the provisions of this act, shall not be allowed a clearance until such pickled fish shall be relanded.

16. The deputy inspectors shall account to the chief inspectors, under whom they act, once in every three months, or oftener if required, for all fish inspected by them, and the fees therefor, and shall pay over to him one-fifth of the same.

17. Every chief inspector shall make a return to the provincial secretary of all the pickled fish inspected by him or his deputy; the same to be made up to the last days of March, June, September and December, in each year, and delivered within the month thereafter, under a penalty of five pounds for every month's neglect.

18. When any cask of pickled fish, branded by a deputy inspector, shall prove unequal in quantity or quality to that which may be indicated by the brand on the cask, or deficient in any of the requisites prescribed by this act, the chief inspector may cause the same to be reinspected. And if it appear that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish, at the time of the inspection, he may recover the costs and charges of such reinspection from the deputy who branded the same.

19. All actions for the recovery of penalties or damages on account of the misconduct or neglect of any deputy inspector, may be prosecuted either against such deputy or the chief inspector under whom he acts, who shall have his remedy against the deputy, either upon the bond given by him, or by action on the case for damages, and in every such action the judgment recovered against

Proviso.

Penalty for intermixing, shifting, &amp;c.

Penalty for exporting fish not branded, &amp;c.

Vessel not allowed a clearance.

Deputies shall account to chief inspector, &amp;c.

Return to prov. secretary, when to be made, &amp;c.

Re-inspection, &amp;c.

Prosecution of penalties against inspectors.

the chief inspector shall be evidence of damages against such deputy or his sureties if the deputy shall have had due notice of the action brought against the chief inspector.

Penalties, how recovered, &c.

20. All pecuniary penalties imposed by this act may be recovered by and in the name of any person who shall sue for the same, and such penalties, when recovered, shall be for the use and benefit of the party suing.

#### SMOKED HERRINGS.

Appointment of inspectors.

21. The sessions in every county shall appoint inspectors of smoked herrings in all places where they may be required, and shall take a bond from all persons appointed, in the sum of twenty pounds, with two securities, for the faithful discharge of their duty.

Must be weighed in inspector's sight.

22. All smoked herrings intended for sale or exportation shall be culled, classed, weighed, and branded, by a legally appointed inspector, or in his immediate presence and sight.

No. 1.

23. There shall be two qualities of smoked herring, those to be branded *No. 1* shall comprehend the fattest and best fish, and those to be branded *No. 2* the poorer, smaller, and inferior fish.

No. 2.

Both qualities shall be well cured and smoked, free from taint, and not burnt or scorched.

"Refuse."

All tainted, burnt, or scorched fish, and fish badly smoked shall be considered *refuse*, and may be branded as such without any other character. And every box of smoked herring shall contain twenty five pounds of the qualities described.

Weight of box.

Materials of boxes, dimensions, &c.

24. Boxes intended to contain smoked herring shall be made of well seasoned boards, the sides, top, and bottom to be not less than half an inch in thickness, and the ends not less than three-quarters of an inch in thickness; and they shall measure on the inside at least eighteen inches in length, nine inches in breadth, and eight inches in depth; they shall be well nailed, and the tops or covers shall be planed or shaved.

How branded.

25. Boxes of smoked herrings, after having been carefully culled, classed, weighed, and packed, shall be branded on the top or cover with the name of the inspector, his place of residence, the quality of the fish, and the weight contained in the box.

Fees.

26. The fees for culling, classing, weighing, packing, and branding, shall be three pence per box; and for culling, classing, weighing, and branding only, shall be two pence per box.

Penalty on inspector not appointed.

27. Any person acting as an inspector of smoked herring, not legally appointed, shall forfeit five pounds for every offence.

Penalty for intermixing, &c.

28. Any person counterfeiting or using the brands of an inspector, or being accessory thereto, or who shall shift, intermix, or take out any smoked herrings, or shall alter any brand on any box of smoked herrings that has been packed and branded, shall be punished with fine or imprisonment, at the discretion of the court, before which he may be convicted.

Penalty for exporting fish not branded.

29. Any person exporting or attempting to export or selling or offering for sale any box or boxes of smoked herrings, without being duly inspected and branded in accordance with the provisions of

this act, shall forfeit the value thereof, but no such forfeiture shall exceed ten pounds for any one offence.

30. Any inspector who shall inspect and brand any box of smoked herrings, not in accordance with the provisions of this act, shall be liable to a penalty of two shillings and six pence for every box so inspected and branded. Penalty for inspecting.

## CHAPTER 17.

An Act to amend Chapter 131 of the Revised Statutes, "Of the jurisdiction of Justices of the Peace in civil cases."

[Passed the 31st day of March, 1855.]

### SECTION

1. Rev. stat., chap. 131, sec. 1, amended.
2. Suit, how conducted.

### SECTION

3. Rev. statutes, chap. 131, section 17, amended.

Be it enacted by the governor, council, and assembly, as follows :

1. Chapter 131 of the revised statutes, section 1, is amended, so as to allow justices to sue executors and administrators. Rev. stat., ch. 131, section 1, amended.

2. The suit may be conducted and the amount collected upon the same rules in a summary form, and subject to a like defence as if the suit were brought in the supreme court. Suit, how conducted.

3. Section 17 is amended, to the effect, that defendants who intend to rely upon a set-off shall be required to file the same with the justice, or serve it on the opposite party at least two days before the return day of the summons. Rev. stat., ch. 131, section 17, amended.

## CHAPTER 18.

An Act to amend the Jury Law.

[Passed the 31st day of March, 1855.]

SECTION 1. All jury panels, &c., drawn at the last sittings of the supreme court, legal and valid.

Be it enacted by the governor, council, and assembly, as follows :

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

## CHAPTER 19.

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

[Passed the 4th day of April, 1855.]

### SECTION

1. Rev. stat., ch. 86, sec. 2, amended.
2. Sections 4 and 5 repealed.
3. All weights and measures to be assayed and stamped.—Clerk's fees.

### SECTION

4. Inspection of weights and measures ; liable to be seized when not stamped or branded.
5. Penalty.

Be it enacted by the governor, council, and assembly, as follows :

Rev. st., ch. 86,  
sec. 2 amended.

Secs. 4 and 5  
repealed.

All weights  
and measures  
to be assayed  
and stamped.  
Clerk's fees.

Inspection of  
weights and  
measures ; lia-  
ble to be seized  
when not stamp-  
ed or branded.

Penalty.

1. Section 2 is amended by adding at the end thereof the following words, "for the purpose of assay."

2. Sections 4 and 5 are repealed.

3. Every inhabitant of each town respectively, making use of weights and measures in the sale of any commodity, shall, in one week after public notice given by the clerks of the market for such town, bring, or cause to be brought, their weights and measures to be assayed, for each of which assay the clerk shall have two pence for his trouble, and shall cause such weights and measures to be branded and stamped with the initial letter of the town where such assay shall be made.

4. The clerks may inspect all weights and measures, and once in three months, or oftener, visit every inhabitant selling publicly by weights and measures, and shall have full power and authority to seize all such not stamped or branded as aforesaid, and may assay and mark and dispose of the same for their own use as satisfaction for their trouble therein.

5. The penalty for selling by weights or measures, not so branded, shall be twenty shillings for each offence, and for selling by weight or measures less than the standard, ten pounds.

## CHAPTER 20.

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

[Passed the 31st day of March, 1855.]

Be it enacted by the governor, council, and assembly, as follows :

The supreme court at Lunenburg shall be held on the third Tuesday of April, instead of the Thursday before the third Tuesday of April, as heretofore.

## CHAPTER 21.

### An Act to postpone the ensuing Easter Term of the Supreme Court at Halifax.

[Passed the 2nd day of April, 1855.]

SECTION

1. Ensuing Easter term to commence on 2nd Monday of April.

SECTION

2. Sittings not affected.

Be it enacted by the governor, council, and assembly, as follows :

1. The ensuing Easter term of the supreme court shall commence on the second Monday of April, instead of the first Tuesday thereof, and shall continue until the sixteenth day of April, and all matters and proceedings pending, or to be had therein, shall be had and proceeded with, and all jurors, officers, and parties bound to appear at the said term, shall appear and attend on the said second Monday of April, instead of the first Tuesday thereof.

Ensuing Easter term to commence on 2nd Monday of April.

2. Nothing in this act shall affect the sittings after term, which shall take place as if this act had not passed.

Sittings not affected.

## CHAPTER 22.

### An Act to amend Chapter 113 of the Revised Statutes, "Of the Registry of Deeds and Incumbrances affecting Lands."

[Passed the 31st day of March, 1855.]

SECTION

1. Provision for safe keeping, &c., of books of registry.

SECTION

2. If no assessment, justices may amerce

Be it enacted by the governor, council, and assembly, as follows :

1. The grand jury and sessions shall provide for the custody and safe keeping of the books of registry, and see that they, with the indices, are placed and kept in good and efficient condition, and shall assess upon the county, with the county rates, such sums as may be necessary from time to time in the premises.

Provision for safe keeping, &c., of books of registry.

2. In case the grand jury shall not comply with the foregoing section, the justices in session may amerce the counties respectively, for the necessary amount, and may direct the mode of its application.

If no assessment, justices may amerce.

## CHAPTER 23.

## An Act for abolishing the Court of Chancery, and conferring Equity Jurisdiction on the Supreme Court.

(Passed the 31st day of March, 1855.)

## SECTION

1. Chancery jurisdiction given to supreme court.
2. Practice of supreme court to be observed, &c.
3. Chancery court abolished, &c.
4. Suits, how commenced.
5. Plea.
6. Demurrer.
7. Issue when facts are complicated.
8. Trial of issues.
9. Judgment.
10. Power of court as regards matter of fact and account.
11. Judges may make general rules.
12. Foreclosure.
13. Specific performance.
14. When party refuses to execute an instrument.
15. Court may order execution for return of chattels.
16. Action for mandamus.
17. Form of writ.
18. Pleading.
19. Judgment and execution.
20. Form of execution.
21. Effect of writ.
22. Court may direct the act to be done at expense of defendant.
23. Mandamus may be granted as heretofore.
24. Rule for mandamus.
25. Suit for injunction.
26. Writ of summons.
27. Proceedings.
28. Writ of injunction, when and how issued, &c. How enforced.
29. Effect of plea entitling defendant to perpetual injunction.
30. Order of the court in the nature of an injunction.
31. Equitable defence.
32. Replication.
33. Particulars of demand.
34. Court may order sale of mortgaged premises.

## SECTION

35. Court may order sale of real estate of infants, when.
36. Effect of conveyances by guardian, &c.
37. Application of proceeds.
38. Infant's interest in proceeds.
39. Conveyance.
40. Suits for perpetuating testimony.
41. Examination of witnesses.
42. Deposition and certificate of commissioner.
43. To be filed in prothonotary's office.
44. In what suit the deposition may be used.
45. Attendance of witnesses enforced.
46. Costs.
47. Assignee of choses in action may sue.
48. Assignor not to release or sue.
49. Notice of assignment to be given before action.
50. Effect of release by assignor without notice.
51. Defence against assignor available against assignee.
52. Hearing on writ and plea.
53. Court may determine on the issues to be tried.
54. Interlocutory proceedings.
55. Appeal from order of a judge.
56. Judgment, and how enforced.
57. Proceedings where defendant is out of the jurisdiction of the court.
58. In cases of foreclosure.
59. Discretion of the court regarding costs.
60. Hearings.
61. Power of the court in cases of default of appearance, &c.
62. Several causes of action may be united.
63. Rules regarding parties to suits.
64. Suit may be dismissed for want of prosecution.
65. Receiver may be appointed.
66. Hearing in vacation.
67. Taxation of costs.

## SECTION

68. Fees to be those in schedule.  
 69. Penalty for taking greater.  
 70. Action for penalty.  
 71. Chapter 127 rev. stat., repealed.  
 72. Retiring allowance to Hon. Alexr. Stewart.

## SECTION

73. To N. W. White.  
 74. When pension to cease.  
 75. When act to come into operation.

Be it enacted by the governor, council, and assembly, as follows :

## GENERAL PRINCIPLES AND RULES.

1. The supreme court shall have jurisdiction in all cases heretofore cognizable and determinable by the court of chancery, and shall exercise the like powers, and apply the same principles of equity as justice may require, and as have heretofore been administered in that court. And all writs which at present issue out of chancery, shall henceforth issue out of the supreme court.

Chancery jurisdiction given to supreme court.

2. In all cases heretofore determinable in chancery, and henceforth to be conducted in the supreme court, the practice of the supreme court now, or hereafter to be established, as far as it is applicable thereto, shall be observed, except in so far as the practice is altered or modified by this act; and in any case to which such practice, and the provisions of this act, shall not apply, but in no other, the practice of the English chancery shall be adopted.

Practice of supreme court to be observed, &c.

3. The court of chancery is hereby abolished, and all suits remaining undetermined in chancery, together with all the rolls, records, and proceedings of the court, shall be transferred to the supreme court; and such suits shall be there heard and determined according to the provisions of this act, but with such modifications thereof as may appear to be right and proper, and for the attainment of justice in the hearing and trying of such suits so remaining undetermined in chancery. In such causes the proceedings up to that period shall continue of unimpaired efficacy and effect in the further progress of the cause, and the costs of all proceedings up to that period shall be allowed as if this act had not passed.

Chancery court abolished, &c.

4. All suits heretofore cognizable in chancery shall be commenced in the same manner as personal actions by writ of summons, in which the cause of action, and the relief or remedy sought by the plaintiff, shall be briefly and clearly stated, and it shall not be necessary that the same should be set forth in any technical or formal language or manner, or that any technical or formal statement should be used.

Suits, how commenced, &c.

5. The plea or answer of the defendant shall in like manner be briefly and distinctly stated, and there shall be no further pleading after the defence, unless by the special leave of the court or a judge, on an application to allow such further pleadings, which shall only be allowed in case the real question, whether of fact or of law, between the parties, cannot conveniently be raised and put in issue by amending the previous pleadings.

Plea.

6. Either party may demur to the pleading of the adverse party,

Demurrer.

on the same grounds; and such demurrers shall be heard and determined on the same principles as now obtain in the supreme court.

Issue when facts are complicated.

7. When the facts in such pleading are complicated, and the issues to be tried are indistinct or obscure, it shall be competent for the court or a judge to settle the issues in fact, to be tried in such cases as hereinafter provided.

Trial of issues.

8. The same rules shall apply to the trial of all issues in fact, under this act, and to the obtaining and granting of new trials, as now in force in the supreme court, or may hereafter be established therein.

Judgment.

9. On the final hearing of such cases, the court shall give judgment according as the very right of the cause and matter in law shall appear unto them, and so as to afford unto the parties a complete remedy upon the principles which prevail in courts of equity, and may be applicable to the particular case.

Power of court as regards matter of fact and account.

10. The Court or a judge shall have power to order any disputed fact to be tried by a jury, at such place and time as they or he shall think fit, and to direct inquiries (where a judge himself cannot conduct the enquiry) into matters of fact, and account, by masters to be appointed in that behalf by the governor in council, on the same principles as references have heretofore been conducted before a master in chancery. Every report of a master must be submitted to the court or a judge, and may be confirmed, modified, or set aside, as he or they shall think fit, after hearing the parties; but no written exceptions shall be filed.

Judges may make general rules.

11. The judges in term at Halifax may make, and they are hereby required, from time to time, to make general rules for facilitating the practice of the court, under this act, and the effectual execution thereof; but such rules shall not go into operation until they shall have been published in the royal gazette.

MORTGAGES.

Foreclosure.

12. It shall be competent for a mortgagee to bring suit for the redemption of his mortgage, and for a mortgagee to bring suit for the foreclosure thereof, on the same principles as now obtain in the court of chancery

SPECIFIC PERFORMANCE, ETC.

Specific performance.

13. The plaintiff in any suit to be brought under this act, may claim, from the defendant, a specific performance of his contract, and the court shall award or refuse the same, according to the right and justice of the case, and the principles which obtain in courts of equity.

When party refuses to execute an instrument.

14. Where a party to any cause shall neglect or refuse, after an order has passed therefor, to execute or acknowledge an instrument, such instrument may be executed or acknowledged by a master, and when confirmed by the court, shall have the same efficacy as if made by the party so neglecting or refusing.

15. The court or a judge shall have power, if they or he shall see fit so to do, upon the application of the plaintiff, in any action for the detention of any chattels, to order that execution shall issue for the return of the chattels detained, without giving the defendant the option of retaining such chattels, upon paying the value assessed; and that if the said chattels cannot be found, and unless the court or a judge shall otherwise order, the sheriff shall levy on all the defendant's lands and chattels, till the defendant render such chattels, or, at the option of the plaintiff, that he cause to be made, of the defendant's lands or chattels, the assessed value of such chattels: provided that the plaintiff shall, either by the same or a separate writ of execution, be entitled to levy for the damages, costs, and interest in such action.

Court may order execution for return of chattels.

#### WRITS OF MANDAMUS.

16. In all cases in which the plaintiff shall claim that the defendant ought to fulfil any duty, in the fulfilment of which the plaintiff is personally interested, the plaintiff may bring his action by issuing a writ of summons, claiming, either together with any demand which may now be enforced in such action, or separately, a writ of mandamus, commanding the defendant to fulfil such duty.

Action for mandamus.

17. The writ in such action shall set forth sufficient grounds upon which such claim is founded, and shall set forth that the plaintiff is personally interested therein, and that he sustains, or may sustain, damages by the non-performance of such duty, and that performance thereof has been demanded by him, and refused or neglected.

Form of writ.

18. The pleadings and other proceedings in any action in which a writ of mandamus is claimed, shall be the same in all respects, as nearly as may be; and costs shall be recoverable by either party, as in an ordinary action for the recovery of damages.

Pleading.

19. In case judgment shall be given to the plaintiff, that a mandamus do issue, it shall be lawful for the court, if it shall see fit, besides issuing execution in the ordinary way, for the costs and damages, also to issue a peremptory writ of mandamus to the defendant, commanding him forthwith to perform the duty to be enforced.

Judgment and execution.

20. The writ need not recite the declaration or the matter therein stated, but shall simply command the performance of the duty, and in other respects shall be in the form of an ordinary writ of execution, except that it shall be directed to the party, and not to the sheriff, and may be issued in term or vacation, and returnable forthwith; and no return thereto, except that of compliance, shall be allowed; but time to return it may, upon sufficient ground, be allowed by the court or a judge, either with or without terms.

Form of execution.

21. The writ of mandamus so issued as aforesaid, shall have the same force and effect as a peremptory writ of mandamus issued out of the court of queen's bench at Westminster, and in case of disobedience may be enforced by attachment.

Effect of writ.

Court may direct the act to be done at expense of defendant.

22. The court may, upon application by the plaintiff, besides or instead of proceeding against the disobedient party by attachment, direct that the act required to be done may be done by the plaintiff, or some other person appointed by the court, at the expense of the defendant; and upon the act being done the amount of such expense may be ascertained by the court, either by writ of enquiry or reference to a master, as the court or a judge may order, and the court may order payment of the amount of such expenses and costs, and enforce payment thereof by execution.

Mandamus may be granted as heretofore.

23. Nothing herein contained shall take away the jurisdiction of the supreme court to grant writs of mandamus as heretofore, nor shall any writ of mandamus issued out of that court be invalid by reason of the right of the prosecutor to proceed by action for mandamus under this act.

Rule for mandamus.

24. Upon application, by motion, for any writ of mandamus in the supreme court, the rule may, in all cases, be absolute in the first instance, if the court shall think fit; and the writ may bear date on the day of its issuing, and may be made returnable forthwith, whether in term or in vacation, but time may be allowed to return it by the court or a judge, either with or without terms.

#### WRITS OF INJUNCTION.

Suit for injunction.

25. In all cases of breach of contract or other injury where the party injured is entitled to maintain and has brought an action, he may, in like case and manner as hereinbefore provided, with respect to mandamus, claim a writ of injunction against the repetition or continuance of such breach of contract or other injury, or the committal of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right; and he may also, in the same action, include a claim for damages or other redress.

Writ of summons.

26. The writ of summons in such action shall be in the same form as the writ of summons in any personal action; but on every such writ and copy thereof there shall be endorsed a notice, that in default of appearance the plaintiff may, besides proceeding to judgment and execution for damages and costs, apply for and obtain a writ of injunction.

Proceedings.

27. The proceedings in such action shall be the same, as nearly as may be, and subject to the like control as the proceedings in an action to obtain a mandamus under the provisions hereinbefore contained; and in such action, judgment may be given, that the writ of injunction do or do not issue, as justice may require, and in case of disobedience, such writ of injunction may be enforced by attachment by the court, or when the court shall not be sitting, by a judge.

Writ of injunction, when and how issued, &c.

28. It shall be lawful for the plaintiff, at any time after the commencement of the action, and whether before or after judgment, to apply ex parte to the court, or a judge, for a writ of injunction to restrain the defendant in such action from the repetition or

continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contract or injury of a like kind arising out of the same contract, or relating to the same property or right; and such writ may be granted or denied by the court or judge upon such terms as to the duration of the writ, keeping account, giving security or otherwise, as to such court or judge shall seem reasonable and just; and in case of disobedience such writ may be enforced by attachment by the court, or when the court shall not be sitting, by a judge: provided always, that any order for a writ of injunction made by a judge, or any writ issued by virtue thereof, may be discharged or varied, or set aside by the court, on application made thereto by any party dissatisfied with such order.

How enforced.

29. It shall be lawful for the defendant in any action, to plead by way of defence thereto, any matter which would entitle him to have a perpetual injunction in a court of equity against the maintenance of such action; and the matter of such defence shall, if proved, or if judgment pass by default, be a bar to such action, and the defendant shall have judgment thereon, with costs.

Effect of plea entitling right to perpetual injunction.

30. In any action in which a right shall be involved, it shall be lawful for the supreme court or a judge, by a summary order, in the nature of an injunction, to be made on motion in the cause, to restrain, prevent or modify the exercise of such right by any party in the action, until a judgment shall be had establishing such right, or until such other earlier time as to the court or a judge shall seem fit, and on such terms (if any) as the court or judge may require, and in like manner as it would have been competent to the court of chancery to have done, if such right had been contested in a suit pending therein; and in like manner to renew, vary or set aside such order from time to time as the case may require; and it shall be lawful for the court or a judge, at the time of making such restraining order, if he or they shall see fit, or if it shall be required by the party against whom such order is made, to direct that an issue shall be submitted to the jury, who shall try the principal matter respecting the existence or extent of such right, referring it to the jury also to try and inquire whether any damage or injury has been sustained by the party so injured, by the granting of such order, and the amount of such damage (if any), and such jury shall find upon the issue accordingly, and their finding shall be returned with the other findings in the case, and judgment and execution shall be given and had for the amount so found, together with the costs of the defendant occasioned by the trial of such issue.

Order of the court in the nature of an injunction.

## EQUITABLE DEFENCES.

31. It shall be lawful for a plaintiff in replevin, or for the defendant in any cause in the supreme court in which, if judgment were obtained, he would have been entitled to relief against such judgment on equitable grounds, to plead the facts which entitle him to such relief by way of defence, and the court shall receive such

Equitable defences.

defence by way of plea, provided that such plea shall begin with the words, "for defence on equitable grounds," or words to the like effect.

**Replication.** 32. The plaintiff may reply, by leave of the court or a judge, in answer to any plea of the defendant, facts which avoid such plea upon equitable grounds, provided that such replication shall begin with the words, "for replication on equitable grounds," or words to the like effect.

**Particulars of demand.** 33. When such plea or replication on equitable grounds is put in, the particulars of demand and set-off may be obtained as in other cases.

**Court may order sale of mortgaged premises.** 34. In any action of ejectment upon a mortgage, if the justice of the case require it, the court or a judge may make an order for the sale of the premises sought to be recovered, or any part thereof, and for the application of the proceeds, and for the release or other re-conveyance of the same, or any part thereof, at any time before the sale: provided always, that before the court or a judge shall order such distribution of the proceeds, it shall be made to appear that all persons interested have had reasonable notice by advertisement or otherwise of such application.

#### REAL ESTATE OF INFANTS.

**Court may order sale of real estate of infants, when;** 35. An infant seized of real estate, or entitled to any term of years in lands, may, by his next friend or guardian, petition the court or a judge for an order to sell or dispose of the said property, who shall proceed in a summary way, on affidavits, to enquire into the merits of such application; and if the disposal of such property, or any part thereof, be necessary for the support of such infant, or for his education, or if the interest of the infant will be substantially promoted by such disposal on account of any part of his said property being exposed to waste or delapidation, or being wholly unproductive, or for any other reasonable cause, the court or a judge may, on the filing of a bond by such guardian or next friend, or other person approved of by the court or judge, in case he be not already a lawfully appointed guardian, with such sureties, in such form, and on such terms and conditions as shall be directed, order the letting for a term of years, the sale or other disposal of such real estate or interest, whether possessory or reversionary, by such guardian or next friend, in such manner, and with such restrictions, as shall be deemed expedient, but not in any case contrary to any last will or conveyance by which such estate or term was devised or conveyed to such infant.

**Effect of conveyances by guardian, &c.** 36. All sales, leases, or conveyances made in good faith by any guardian or next friend, in pursuance of such order, shall be as effectual as if made by such infant after he had attained the age of twenty-one years; and it shall not be necessary in the conveyance to recite any part of the proceedings required by this chapter; but the same shall briefly refer to the order and the sale, leasing, or other disposal of such property. The party making the sale shall

file a report thereof with the prothonotary of the county in which the lands are situate.

37. Upon any order for the sale of any property being made as aforesaid, the court or a judge may make such order for the investment, disposal, and application of the proceeds of such property, and of the increase and interest arising therefrom, as shall secure the same for the infant's benefit; but in no case shall the principal money be disposed of unless it shall be required for the support or education of the infant, and in no case shall such principal be disposed of for any purpose, if the net proceeds accruing to each infant thereon shall amount to one hundred pounds.

38. No sale made as aforesaid shall give to any such infant any other or greater interest or estate in the proceeds of such sale than he had in the estate so sold.

39. Every conveyance made under the above provisions, and registered in the county where the lands lie, shall be taken as presumptive evidence that all the proceedings on which the same is founded, were rightly had.

#### PERPETUATING TESTIMONY.

40. When a person shall be desirous to perpetuate the testimony of any witness, he may issue a writ of summons, which shall set forth briefly his title, claim, or interest, in or to the subject concerning which he desires to perpetuate the testimony, and the names of all parties interested or supposed to be interested therein, and the names of the witnesses proposed to be examined, which shall be served on the parties interested, or supposed so to be. A notice shall be served on such parties with the writ, or subsequent to the service thereof, which shall state when and where, and before whom, the examination of each witness shall take place; but no witness shall be examined under these provisions unless the parties supposed to be interested shall have had at least ten days notice of such examination.

41. The examination of the witnesses shall be taken before a commissioner for the examination of witnesses *de bene esse*, and in the same way as such examinations now take place, unless on application to a court or a judge, a special commissioner be appointed, when the examination shall take place before such special commissioner.

42. After the commissioner shall have engrossed the deposition of each witness, it shall be read to him, and he shall subscribe it, and the commissioner shall certify the time, place, and manner of his taking the deposition, and who attended at the taking thereof, and that the same was taken by him in perpetual remembrance of the facts stated therein.

43. The deposition and certificate, together with a true copy of the notice of examination, and an affidavit of the service of such notice, stating upon whom and when the same was served,

shall be filed in the office of the prothonotary of the county in which the examination shall have taken place, within ten days after the examinations.

44. If any suit shall, either at the time of taking such deposition, or at any time afterwards, be pending between the person at whose instance it was taken, and the person named in the writ, or any of them, who were so notified, or any persons claiming under either of the said parties respectively, concerning the title, claim, or interest set forth in the writ, the deposition so taken, or a certified copy of it from the prothonotary's office, may be used in such suits in the same manner, and subject to the same conditions and objections, as if it had been originally in and for such suit.

45. Any witness may be subpoenaed and compelled to give his testimony in perpetual remembrance of a thing as hereinbefore prescribed, in like manner and under the same penalties as witnesses subpoenaed to attend and give evidence on the trial of a cause.

46. All costs incurred under these provisions on both sides, shall, in the first instance, be paid by the party seeking to perpetuate testimony; but in case the deposition shall thereafter be used in any suit, and he shall therein obtain a judgment, it shall be discretionary with the court, or a judge, to allow the costs to be costs in that suit, to be taxed against and payable by the party against whom the judgment shall be so obtained.

#### ASSIGNMENT OF CHOSSES IN ACTION.

47. Any assignee, by writing signed by the assignor of the entire interest in any chose in action founded on any contract for payment of money only, or in any judgment, decree, or order for the payment of money only, and who would have been entitled to maintain a suit in equity, as such assignee, to enforce such contract or the payment of such money; and the executor or administrator of such assignee shall be entitled, in his own name, to maintain such personal action in the supreme court, and have such final judgment and execution in as full a manner as the person originally entitled to such chose in action, judgment, decree or order, and whose interest has been assigned, might have had or done; and such assignee shall be so entitled, whether he shall derive immediately or remotely from the person so originally possessed of such right to sue thereon, and shall be considered to all intents and purposes, and whether for the purpose of releasing such right, or discharging or satisfying such judgment, decree or order, or otherwise, as the person originally entitled to the same had theretofore been; and it shall be lawful for any defendant, in any action brought by the person so originally entitled, or by any such assignee as aforesaid, to plead by way of defence that the interest of the plaintiff in such action had been theretofore assigned in the manner prescribed by this act: provided, that nothing herein contained shall operate at law to transfer the right to the benefit of any bond,

In what suit the deposition may be used

Attendance of witnesses enforced.

Costs.

Assignee of choses in action may sue.

covenant, or agreement, collateral in its nature, unless the assignment thereof shall be made to the person entitled to the subject matter to which such bond, covenant, or agreement, is so collateral, or to some person as trustee for him; and that nothing in the foregoing provision contained shall apply to any covenant running with the land.

48. Upon the execution of any such assignment, the right of the assignor to release or sue upon such chose in action, judgment decree or order, shall wholly cease and determine; and in case it shall happen that there shall have been more than one assignment made by the same person, the assignment thereof first made *bona fide* shall operate to transfer the right to release or sue upon the same, unless the second assignment thereof shall have been accepted *bona fide*, accompanied by the possession of the instrument assigned, and without knowledge of the first assignment.

Assignor not to release or sue.

49. No action shall be brought upon any such assignment by such assignee, unless a notice in writing signed by him, his agent or attorney, stating the right of the assignee, and specifying his demand thereunder, shall have been served on the party to be sued, or left at his last place of abode, at least fourteen days before the commencement of such action.

Notice of assignment to be given before action.

50. In any case in which a release of a chose in action, or a release of execution in any judgment, decree or order, shall have been executed by the assignor thereof, or payment shall have been made to him after the assignment thereof, and no notice of such assignment shall have been received by the person liable to be sued in relation to such chose in action, judgment, decree or order, it shall be lawful for such person, anything in this act to the contrary notwithstanding, to rely on such payment or release, by way of defence to any action brought against him in respect of such chose in action, judgment, decree or order, unless such release had been accepted, or such payment made with intent to defraud such assignee.

Effect of release by assignor without notice.

51. It shall be lawful for any defendant or person liable in respect of any such chose in action, judgment, decree or order, in any action brought in respect thereof by any such assignee, to have the same remedy and defence against the assignee and his representatives which he might have had against the assignor in case no such assignment had been made, and in case of payment to such assignee, to plead such payment specially to such assignee.

Defence against assignor available against assignee.

#### PRACTICE.

52. After plea filed, the plaintiff may bring the cause to a hearing before the court, on the writ and plea, in the same way a suit has heretofore been heard in chancery on bill and answer; but in that case he shall, within fourteen days after the receipt of the plea, or within such further time as may be allowed by a judge, give notice to the defendant of his intention not to produce evidence.

Hearing on writ and plea.

Court may determine on the issues to be tried.

53. After a suit shall be at issue, and before proceeding to trial, the court, or a judge, on the application of either party, and eight days notice to the other, shall determine what issue of fact shall be tried by the jury.

Interlocutory proceedings.

54. All interlocutory matters shall be decided by the court on motion, or by any one of the judges at chambers, and all proceedings before a judge at chambers shall be by summons and order.

Appeal from order of a judge

55. Either party may appeal from any order of a judge at chambers to the whole court, on giving security to the amount of ten pounds to abide the costs of the appeal, which shall always follow the event; but such appeal shall not stay the proceedings on the order.

Judgment, and how enforced.

56. Obedience to any judgment, rule or order of the court, or of a judge at chambers, may be enforced by attachment or execution.

Proceedings where defendant is out of the jurisdiction of the court.

57. In all cases wherein the subject in controversy, whether it be real, personal or mixed estate, be within the province, or where a trust has been created therein, or which may affect such subject, defendants residing without the jurisdiction of the court may be served with summons in like manner as if they resided within the province; but before the issue of such summons, a judge shall determine the form thereof, and the period to be limited for the appearance of the defendant after the service thereof, and no further proceedings shall be had against such absent parties till it shall be made to appear by affidavit to the court or a judge, that such service has taken place; and the plaintiff shall be at liberty to proceed in such manner, at such time, and subject to such conditions as the court or a judge may see fit.

In cases of foreclosure.

58. In cases of foreclosure, when it shall be made to appear, by affidavit, that a defendant is out of the province, an order may be made by the court or a judge, or prothonotary, for such defendant to appear on a certain day therein named, which order shall be published in the royal gazette, or in such other way, and for such time, as the court or judge, or prothonotary, shall direct; and the publication of such order shall be deemed good service on such defendant.

Discretion of the court regarding costs.

59. The court shall, in all equitable cases, have the same discretion in awarding or withholding costs, or directing the fund out of which they shall be paid, that is now exercised by the court of chancery.

Hearings.

60. The hearings in equitable cases, and arguments therein, shall be governed by the same rules as now prevail in the supreme court.

Power of the court in cases of default of appearance, &c.

61. In cases of default for want of appearance and plea, or where all the material facts of the case which entitle the plaintiff to equitable relief are admitted by the defendant, the court, or a judge at chambers, may thereupon make such order as the right and justice of the case shall require, both as regards the relief prayed for, and the costs of the suit.

62. The plaintiff may unite several causes of action in the same writ, whether they be such as have heretofore been denominated legal or equitable, or both. The causes of action so united must accrue in the same right, and affect all the parties to the action, and must not require different places of trial.

Several causes of action may be united.

63. No defendant in any suit shall be permitted to object for want of parties, in any case to which the following rules extend :

Rules regarding parties to suits.

Rule 1.—Any residuary legatee or next of kin may, without including the remaining residuary legatees or next of kin, have a judgment for the administration of the personal estate of a deceased person.

Rule 2.—Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, may, without including any other legatee or person interested in the proceeds of the estate, have a judgment for the administration of a deceased person.

Rule 3.—Any residuary devisee or heir may, without including any co-residuary devisee or co-heir, have the like judgment.

Rule 4.—Any one of several persons for whom a trust is held under any deed or instrument, may, without including any other of such persons, have a judgment for the execution of the trusts of the deed or instrument.

Rule 5.—In all cases of suits for the protection of property pending litigation, and in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6.—Any executor, or trustee, may obtain a decree against any one legatee, next of kin, or person for whom a trust is held for the administration of the estate, or the execution of trusts.

Rule 7.—In all equitable cases, the court, or a judge, if he or they shall see fit, may require any other person to be made a party to the suit, and may make such order in any particular case as he or they may deem just, for placing the defendant on the record on the same footing, in regard to costs, as other parties having a common interest with him in the matters in question.

Rule 8.—In all suits concerning real or personal estate vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust, in the same manner, and to the same extent, as the executors in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trust, parties to the suit with the trustees or executors, but the court or a judge may, upon consideration of the matters on the hearing, if he or they shall think fit, order such persons, or any of them, to be made parties.

64. It shall be competent for the court, or a judge, to dismiss any suit for equitable relief where the plaintiff shall not prosecute it with effect, in such reasonable time as shall be allowed him by an order in that behalf.

Suit may be dismissed for want of prosecution.

Receiver may be appointed.

65. The court, or a judge, may make an order for the appointment of a receiver, when necessary, in any suit, which order shall state the amount of security to be given, and the terms and conditions on which the assets shall be held by him.

Hearing in vacation.

66. The hearing of equitable suits may be had at any time in vacation, on the application of either party, before any three or more of the judges; and for that purpose, and the giving of decisions therein, the court shall be held as being always open. Further directions may be given at chambers.

Taxation of costs.

67. All costs shall be taxed by a judge.

Fees to be those in schedule.

68. The fees heretofore allowed in the court of chancery are abolished, and fees in equitable suits shall be taxed and allowed as in the table of fees in the schedule to this act,

Penalty for taking greater.

69. Any person taking greater fees shall, for such offence, forfeit to the party aggrieved, ten pounds, and also the amount of such excessive fees.

Action for penalty.

70. Actions for such forfeitures shall be brought in the county where the offence was committed, and within six months next after the date of such offence.

Chapter 127 rev. stat. rep.

71. Chapter one hundred and twenty-seven of the revised statutes is repealed, and the office of the master of the rolls is hereby abolished.

Retiring allowance to hon. Alex. Stewart.

72. The honorable Alexander Stewart shall be entitled to receive, during his life, by way of retiring allowance, instead of his present salary of seven hundred pounds, per annum, the sum of four hundred pounds currency, payable quarterly.

To N. W. White.

73. Nathaniel W. White, esquire, the present registrar of the court of chancery, shall be entitled to receive, during his life, one hundred pounds sterling, per annum, payable quarterly.

When pension to cease.

74. The pensions to the said honorable Alexander Stewart and Nathaniel W. White, esquire, shall cease respectively upon their respectively accepting an office under the provincial government of equal or greater value to, or than the pension hereby allowed to them respectively.

When act to come into operation.

75. This act shall come into operation on the first day of August next, if her majesty's assent shall then be given thereto; but if such assent be not then given, and signified in the usual manner, then on the day upon which it shall be so signified.

## TABLE OF FEES.

Table of fees.

The same fees as now allowed in the supreme court, with the following additions, in equitable suits :

### ATTORNIES' FEES.

Attornies.

Where the writ exceeds five folios, the court or a judge may allow for the excess, being not more, in any case, than twenty folios in all, for each folio - - £0 1 0

Counsel fee for examining each equitable pleading - - -	0	11	8
Counsel fee in all equitable suits to be taxed in any stage of the cause, at the discretion of the judge, but not to exceed - - - - -	5	0	0
Drawing every brief deemed by the judge necessary in an equitable suit, from £1 to £5, at his discretion.			
Every deed in foreclosure and other equitable suits - -	£1	3	4
Every attendance before a master, shewn to have been necessary, by affidavit, and approved of by the judge, - - - - -	0	6	8
All necessary expences incurred in serving defendants out of the province, in advertising and for postages.			

## MASTER'S FEES.

Masters.

Every attendance on a reference, shewn to have been necessary, by affidavit, and approved of by the judge - - - - -	£0	6	8
Every report - - - - -	0	6	8
And for every folio beyond six folios, but not to exceed ten folios in all, - - - - -	0	1	0
Administering every oath, and signing jurat - - - - -	0	1	6
All necessary travel, going and returning, per mile - -	0	0	3

ON SALES OF LAND IN FORECLOSURE, AND OTHER  
EQUITABLE SUITS.

Sheriffs.

For sheriff or master attending the sale and receiving and paying over the amount, in lieu of all poundage -	£2	6	8
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## CHAPTER 24.

## An Act relating to Operators in Electric Telegraph Offices.

[Passed the 31st day of March, 1855.]

## SECTION 1. Sworn telegraph operators—from what exempt.

Be it enacted by the governor, council, and assembly, as follows :

No sworn operator in any electric telegraph office shall be compelled to serve on any jury or inquest, or in the militia, or as a town or city officer.

Sworn tele-  
graph operators  
—from what  
exempt.

## CHAPTER 25.

An Act to enlarge the amount of Deposit in the Savings' Bank.

[Passed the 31st day of March, 1855.]

SECTION 1. Deposits not to exceed £50,000.

Be it enacted by the governor, council, and assembly, as follows :

Deposits not to exceed £50,000

1. The whole amount of deposits under the authority of the act 17 Victoria, chapter 4, in the savings' bank, is hereby enlarged so as the same shall not exceed fifty thousand pounds.

## CHAPTER 26.

An Act to amend the act concerning Prothonotaries and Clerks of the Crown.

[Passed the 31st day of March, 1855.]

SECTION

1. Prothonotaries—duties of.
2. Compensation—how obtained.
3. Monies paid into treasury by prothonotaries in Cape Breton; to whom paid.

SECTION

4. Salary of J. W. Nutting not diminished.

Be it enacted by the governor, council, and assembly, as follows :

Prothonotaries—duties of.

1. The prothonotaries throughout the province shall issue subpœnas in crown cases, and perform all such other duties as appertain to the office of clerks of the crown.

Compensation—how obtained.

2. The prothonotaries as a compensation for such services may retain out of the proportion of fees required to be paid into the treasury, by virtue of section fourth of the act, hereby amended, a sum not exceeding ten pounds, for each year from the date of such act coming into operation, and out of any sums by them heretofore paid into the treasury under the act, they may receive the same allowance as if such sums had not been paid in.

Monies paid into treasury by prothonotaries in Cape Breton; to whom paid.

3. The monies paid into the treasury, by virtue of such fourth section, by the prothonotaries in the island of Cape Breton, shall be paid to Charles E. Leonard, esquire, prothonotary at Sydney, instead of being paid to James W. Nutting, esquire, as directed by such section.

Salary of J. W. Nutting not diminished.

4. The salary, or emoluments of James W. Nutting, esquire, shall not be diminished on account of the monies retained by or paid to the prothonotaries, under the first and second sections of this act, but the amount of such sums shall be paid to him out of the treasury.

## CHAPTER 27.

An Act to amend Chapter 76 of the Revised Statutes, "Of the regulation of trade in certain cases."

[Passed the 4th day of April, 1855.]

SECTION 1. Revised statutes chapter 76, section 15, amended.

Be it enacted by the governor, council, and assembly, as follows :

1. Section 15 of chapter 76 of the revised statutes, "Of the regulation of trade in certain cases," shall be amended as follows : Rev. stat. chap. 76, section 15, amended.

"A jury shall be allowed in the trial of causes under this chapter according to the provisions of chapter 131 of the revised statutes; and all acts since made in amendment thereof."

## CHAPTER 28.

An Act to authorize the Board of Commissioners to make regulations for the Construction and Management of Railways in Nova Scotia.

[Passed the 31st day of March, 1855.]

SECTION

1. Board to make regulations regarding construction, &c. Proviso.

SECTION

2. Governor may exempt persons working on railway from militia duty.

Be it enacted by the governor, council, and assembly, as follows :

1. The board of commissioners of railways in this province are hereby authorized to make regulations from time to time for the safe construction and working of the railways under their charge,—for the transmission of goods and passengers thereon—for their care and management, and that of the plant, and equipment used thereon—for the protection of the wharves, bridges, culverts, crossings, stations, buildings, and depots erected, or to be erected, and all other the property in the possession and under the control of the board in their public capacity—and in such regulations to affix fines, penalties, and punishments for the breach thereof. Board to make regulations regarding construction, &c.

Provided always, that such regulations before going into operation, shall be first sanctioned by the governor in council. Proviso.

2. The governor in council shall have power, by order for that purpose made, to except from drill, training, or other militia service, all persons engaged in the actual construction of railways in the province. Governor may exempt persons working on railway from militia duty.

## CHAPTER 29.

### An Act relating to incorporated Pier Companies.

[Passed the 31st day of March, 1855.]

SECTION 1. Acts of incorporated pier companies, &c., continued to 31st December, 1875.

Be it enacted by the governor, council, and assembly, as follows :

1. All acts of incorporation of wharf, pier, or breakwater companies, heretofore passed by the legislature, whether temporary or perpetual, and also all such acts of incorporation hereafter to be passed previous to the session of the general assembly, in the year one thousand eight hundred and seventy five, shall continue in force until the thirty first day of December, in that year, and no longer unless renewed by act of the legislature.

Acts of incorporated pier companies, &c. continued to 31st Dec. 1875.

## CHAPTER 30.

### An Act to amend the act relating to the River Fisheries.

[Passed 2nd day of April, 1855.]

SECTION 1. Sec. 1 of "act relating to the river fisheries" amended.

Be it enacted by the governor, council, and assembly, as follows :

1. The first section of the act passed in the seventeenth year of her majesty's reign, entitled, an act relating to the river fisheries is hereby amended as follows :

The petition of the twenty freeholders shall, instead of the statement required by such section, set forth that the provisions of sections 7, 8, 9, and 10, of the act passed in the sixteenth year of her majesty's reign, entitled, an act to amend chapter 95 of the revised statutes "Of river fisheries," cannot be carried out in reference to any particular stream, or part of a stream, without the consequences in that section set forth, and the residue of such section and the other sections of the act shall be construed and operate in the same manner as if such first section had originally stood as hereby amended.

Sec. 1 of "act relating to the river fisheries" amended.

## CHAPTER 31.

### An Act to continue the law to regulate Distilleries.

[Passed the 31st day of March, 1855.]

SECTION 1. Vic. 15, chapter 10, continued.

Be it enacted by the governor, council, and assembly as follows :

1. The act 15, Victoria, chapter 10, entitled, "An act for regulating distilleries," is continued until the first day of April, in the year one thousand eight hundred and fifty-six. Vic. 15, chap. 10, continued.

## CHAPTER 32.

### An Act to continue the License Law.

[Passed the 31st day of March, 1855.]

SECTION 1. Revised Statutes chapter 22, continued.

Be it enacted by the governor, council, and assembly, as follows :

1. Chapter 22 of the revised statutes, "Of licenses for the sale of intoxicating liquors," is continued until the first day of April, in the year one thousand eight hundred and fifty-six. Rev. stat. chap. 22, continued.

## CHAPTER 33.

### An Act to continue and amend the laws relating to Education.

[Passed the 4th day of April, 1855.]

SECTION 1. Revised statutes, chapter 60 (except part section 33 repealed); Vic. 13, chapter 36, and Vic. 17, chapter 25, continued.

Be it enacted by the governor, council, and assembly, as follows :

1. Chapter 60 of the revised statutes, "Of public instruction" (except that part of section 33 providing a salary for the superintendant of education which is hereby repealed), the act 13 Victoria, chapter 36, entitled, "An act relating to the Picton academy," and the act 17 Victoria, chapter 25, "to continue and amend the laws relating to education," are hereby respectively continued until the first day of May, in the year one thousand eight hundred and fifty-six. Rev. stat. chap. 60 (except part sec. 33 repealed); Vic. 13, ch. 36, and Vic. 17, ch. 25, continued.

## CHAPTER 34.

## An Act to amend Chapter 152 of the Revised Statutes, "Of the Custody and Estates of Lunatics."

[Passed the 31st day of March, 1855.]

## SECTION

1. Finding of jury on trial of insane persons. Custody of such persons.
2. Proceedings on arraignment of insane persons.
3. Apprehension, committal, &c. of insane persons.

## SECTION.

4. Assessment, maintenance, &c. of such insane persons. Appeal.
5. Expences incurred, &c. to be paid out of the estate of the insane person.
6. Physician—when qualified to act.

Be it enacted by the governor, council, and assembly, as follows:

Finding of jury  
on trial of in-  
sane persons.

1. In all cases where it shall be given in evidence, upon the trial of any person charged with treason, murder, or felony, or any misdemeanor, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity, and if they shall find that such person was insane at the time of the committing such offence, the court, before whom such trial shall be had, shall order such person to be kept in strict custody, in such place, and in such manner as to the court shall seem fit, until the pleasure of the governor in council shall be known; and it shall thereupon be lawful for the governor in council to give such order, for the safe custody of such person, during his pleasure, in such place, and in such manner as to the governor in council shall seem fit; and in all cases where any person, before the passing of this act, has been acquitted of any such offences, on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person, by order of the court before whom such person has been tried, and still remains in custody, it shall be lawful for the governor in council to give the like order for the safe custody of such person, during his pleasure, as he is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

Custody of such  
persons.

Proceedings on  
arraignment of  
insane persons.

2. If any person indicted for any offence shall be insane, and shall, upon arraignment, be found so to be, by a jury lawfully empanelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person shall appear to the jury charged with such indictment, to be insane, it shall be lawful for the court before whom any such person shall be brought to be arraigned or tried as

aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until the pleasure of the governor in council shall be known; and if any person charged with any offence shall be brought before any court, to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such court to order a jury to be empannelled to try the sanity of such person, and if the jury so empannelled shall find such person to be insane, it shall be lawful for such court to order such person to be kept in strict custody, in such place, and in such manner as to such court shall seem fit, until the pleasure of the governor in council shall be known; and in all cases of insanity so found, it shall be lawful for the governor in council to give such order for the safe custody of such person so found to be insane, during his pleasure, in such place, and in such manner as to him shall seem fit.

3. And for the better prevention of crime being committed by persons insane, if any person shall be discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, it shall be lawful for any two justices of the peace of the county, before whom such person may be brought, to call to their assistance any legally qualified physician or surgeon, and if, upon order and examination of the said person so apprehended, or from other proof, the said justices shall be satisfied that such person is insane, or a dangerous idiot, it shall be lawful for the said justices, by warrant under their hands and seals, to commit such person to the jail of the county, there to be kept in strict custody, until such person shall be discharged by the order of two justices of the peace, one whereof shall be one of the justices who has signed such warrant, or by one of the judges of the supreme court, or until such person shall be removed, by order of the governor in council, to a proper lunatic asylum, or to the custody of guardians appointed under the chapter hereby amended.

Apprehension,  
committal, &c.  
of insane per-  
sons.

4. Any two justices may enquire into, and ascertain, by the best legal evidence that can be procured, under the circumstances of the personal legal disability of such insane person or dangerous idiot, the place of the last legal settlement of such person, or of any other person now or hereafter tried and acquitted on the ground of insanity, or of any person so found insane, under any of the provisions of this act; and it shall be lawful for the said two justices to make an order, under their hands and seals, upon the overseers of the poor of such township or place where they adjudge him to be legally settled, to pay all reasonable charges of examining such person and conveying him to such county jail, and to pay such weekly sum for his maintenance in such place of custody as they, or any two justices, shall, by writing under their hands, from time to time, direct; and where such place of settlement cannot be ascertained, such order shall be made upon the treasurer of the

Assessment for  
the mainten-  
ance, &c. of  
such insane  
persons.

county where such person shall have been in custody or apprehended: provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relation, guardian, or friend from taking such insane person or dangerous idiot under his own care and protection, if he shall enter into sufficient recognition for his peaceable behaviour or safe custody, before two justices of the peace, or the court of sessions, or one of the judges of the supreme court: provided also, that the overseers of the poor of the township or place in which the justices shall adjudge any insane person or dangerous idiot to be settled, may appeal against any such order, to the next general or special sessions to be holden for the county where such order shall be made, in like manner, and under the like regulations and restrictions as against any order of removal, giving reasonable notice thereof to the clerk of the peace of the county upon whose rates the burthen of maintaining such insane person or dangerous idiot might fall if such order should be invalid; and such clerk of the peace shall be respondent in such appeal, which appeal the justices of the peace assembled at the said general or special sessions are hereby authorized and empowered to hear and determine in the same manner as appeals against orders of removal are now heard and determined.

Appeal.

Expenses incurred, &c. to be paid out of the estate of the insane person.

5. All charges hereinbefore mentioned, that may be incurred by any overseers of the poor of any township or place, or by any county, under this act, the same being first proved, on oath, before two justices, shall be re-paid to the said overseers, or to the treasurer of the county, respectively, as the same may have been incurred out of the proceeds of the personal property, or the rents of the real estate, or, if necessary, the real estate itself, of such insane person or dangerous idiot, (if any he have over what will maintain his family) which may, for that purpose, be seized and sold by the said overseers or county treasurer, under a warrant from two justices.

Physician—when qualified to act.

6. Any person shall be deemed a legally qualified physician or surgeon, for the purposes of this act, who would not be disqualified from recovering a fee or reward for his professional services, by chapter 57 of the revised statutes.

## CHAPTER 35.

An Act to continue the Law imposing Light House Duties.

[Passed the 31st day of March, 1855.]

SECTION 1. Revised statutes chapter 21, continued.

Be it enacted by the governor, council, and assembly, as follows:

Chapter 21 of the revised statutes, "Of light house duties," is continued until the first day of April, in the year one thousand eight hundred and fifty six.

Rev. stat. chap. 21, continued.

## CHAPTER 36.

An Act further to amend Chapter 130 of the Revised Statutes,  
"Of the Probate Court."

(Passed the 31st day of March, 1855.)

## SECTION

1. When sale of divisible estate cannot be made without prejudice, judge may order the whole to one heir, on his giving security, &c.
2. Order—how made, &c.
3. Ages of heirs—how ascertained.

## SECTION

4. Administrator, de bonis non, may execute a conveyance agreed upon by deceased executors, &c.
5. Administrator, de bonis non, may recover judgment obtained by deceased executor, &c.

Be it enacted by the governor, council, and assembly, as follows :

1. In cases where the estate of a testator or intestate is divisible amongst the next of kin, being collateral heirs, and such division, or the division of any particular portion thereof, cannot be made without prejudice to the whole estate, the judge of probate may order the whole, or, after the division of the residue, the whole of a particular portion, to the eldest of the heirs that may be in this province, and, on his refusal, to the other heirs so being in the province, successively, in the order of their ages, such heir paying to the other heirs their shares of the value of such estate, or giving satisfactory security for the payment thereof, with six per cent interest thereon.

When sale of divisible estate cannot be made without prejudice, judge may order the whole to one heir, on his giving security, &c.

2. Such order shall be made, and guardians appointed, and other proceedings had, as prescribed by the 3rd section of chapter 12 of the acts of 1853.

Order—how made, &c.

3. The relative ages of the heirs shall be ascertained by the affidavit of the applicant, as to the facts according to his belief.

Ages of heirs—how ascertained

4. If any trustee or executor, empowered by any last will and testament to sell and convey lands of the testator, shall have heretofore made and entered into any contract for sale thereof, but shall have died before the full payment of the purchase money, and without having executed a conveyance, and there be no executor or administrator of such testator, the administrator *de bonis non* of the testator, may, upon receipt and payment of the purchase money, execute a conveyance of such lands to the purchaser or any other person entitled thereto.

Administrator de bonis non, may execute a conveyance agreed upon by deceased executors, &c.

5. If such trustee or executor shall have brought an action on such contract or agreement against the purchaser, and obtained a judgment therein, the administrator *de bonis non* of the testator may take proceedings to recover the amount due on such judgment, under the 116th section of the act passed in the sixteenth year of her majesty's reign, entitled, an act to regulate the practice and proceedings in the supreme court, and shall, for that purpose, be held to represent the said trustee or executor.

Administrator de bonis non, may recover judgment obtained by deceased executor &c.

## CHAPTER 37.

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

(Passed the 31st day of March, 1855.)

**SECTION**

1. Revised Statutes chap. 48, section 5, amended. Justice may determine forfeiture, &c.

**SECTION**

2. Surveyors of highways—how proceeded against.

Be it enacted by the governor, council, and assembly, as follows :

Rev. stat. chap. 48, section 5, amended. Justice may determine forfeiture, &c.

1. The fifth section of chapter 48 of the revised statutes shall be so amended that it shall be at the discretion of the justice before whom any town officer shall be sued for misbehaviour or neglect of any duty required by law, to determine the forfeiture to be paid by such town officer, at a sum not exceeding forty shillings, nor less than five shillings.

Surveyors of highways—how proceeded against.

2. If Surveyors of highways, after having been sworn into office, shall neglect to fulfil the duties of their office, or to make the returns required by the twenty-second section of chapter 63 of the revised statutes, the clerk of the peace for the county, when so directed by the court of sessions, shall proceed for the recovery of the penalties incurred by such surveyors for the neglect of their duty in that respect.

## CHAPTER 38.

### An Act to authorize the appointment of Police Constables.

(Passed the 31st day of March, 1855.)

**SECTION**

1. Appointment and pay of police constables.

**SECTION**

2. Funds, how raised.

Be it enacted by the governor, council, and assembly, as follows :

Appointment and pay of police constables.

1. The grand jury and sessions may appoint one or more police constables, to act for the preservation of the public peace and order, and for the enforcement of the laws against crime, vice, and immorality, in such townships or other districts as they shall see fit, and may make regulations as to the duties to be performed by them, and may provide for their remuneration, by salary or otherwise.

Funds, how raised.

2. The funds necessary for such purpose shall be raised by assessment, upon the districts wherein such officers are appointed, in the same manner as poor and county rates.

## CHAPTER 38.

### An Act to amend Chapter 75 of the Revised Statutes, "Of Common Fields."

(Passed the 31st day of March, 1855)

SECTION 1. Rev. stat., chap. 75, sec. 12, not to extend to Grand Prairie, &c.  
Power of committee of such Dikes.

Be it enacted by the governor, council, and assembly, as follows:

1. The 12th section of chapter 75 of the revised statutes, shall not extend to any common field on the Grand Prairie or Wickwire dikes in Horton, but the committee, for any common field on such dikes, shall have power to make and repair all fences, gates, roads, and bridges in, across, or around the same, to call meetings of the proprietors, giving three days' notice to all proprietors residing within six miles of their clerk's office, and to do all acts necessary for the security and improvement of such common field, and to notify the commissioners of sewers of said dikes of such expence; and the commissioners shall include the amount in any sum of money, to be by them assessed upon the proprietors of such dikes, as ordinary dike rates, and shall apply such amount in payment of the expences incurred, as certified by such committee.

Rev. stat., ch. 75, sec. 12, not to extend to Grand Prairie, &c.

Power of committee of such Dikes.

## CHAPTER 39.

### An Act to amend Chapter 62 of the Revised Statutes, "Of laying out Roads, other than certain Great Roads."

(Passed the 31st day of March, 1855.)

SECTION

1. New road, &c., width of.
2. Compensation to proprietors, when made.

SECTION

3. Public landing, making of.
4. Land included, what quantity.

Be it enacted by the governor, council, and assembly, as follows:

1. The freeholders appointed under chapter 62 of the revised statutes, to lay out any new road, or alteration of any old one, may lay out the same of a less width than sixty-six feet, as prescribed by the tenth section of said chapter, but not of a less width than fifty feet, if they shall consider such less width sufficient for the public convenience; and the sessions may confirm or disallow the same.

New road, &c., width of.

2. In case of confirmation, the proprietors of the land shall be entitled to receive compensation for fencing, on making oath

Compensation to proprietors, when made.

that the fence has been put up at least half the full width of the road from the centre thereof, as so laid out: such oath being, in other respects, conformable to section fourteen of the chapter hereby amended.

Public landing,  
making of.

3. A public landing upon the shore of any navigable water, may be established or altered by the same means, and in the same way as a new road may be made or an old one altered, under the chapter hereby amended, and in so far as the same may be applicable, the provisions of such chapter, and of this act, shall extend to such landings, and to roads connecting the same with the queen's highway.

Land included,  
what quantity.

4. Any public landing laid off or established, under this act, may include so much land as, in the opinion of the committee, may be sufficient for the purposes of such landing, not to exceed in all one acre.

## CHAPTER 40.

### An Act to amend Chapter 61 of the Revised Statutes, "Of laying out certain Great Roads.

(Passed the 31st day of March, 1855.)

#### SECTION

1. Appropriation of land. Appraise-

#### SECTION

2. Government may order a new appraisalment.

Be it enacted by the governor, council, and assembly, as follows:

1. Whenever any lands are required by the board of works for the erection of any light houses, beacons, or other erections for the protection of navigation, and for roads leading thereto, and for buildings and other necessary purposes connected therewith, the board may forthwith appropriate the same to the public service, and the same shall be vested in the public, in the same manner as in the case of lands appropriated to the public service for great roads; and the lands required therefor shall be valued and appraised in conformity with the provisions of the act hereby amended. The board of works to make the agreement with the owners of the land, and if such agreement cannot be made, the board to appoint two appraisers, and the owners of the land one; which appraisalment shall be laid before the sessions, and confirmed and decided by them.

2. If the government shall deem any such valuation extravagant, they may withhold payment of the amount, and order a new appraisalment and valuation, in any way they may direct.

Appropriation  
of land.

Appraisalment.

Government  
may order a  
new appraisal-  
ment.

## CHAPTER 41.

### An Act to amend Chapter 41 of the Revised Statutes, "Of Coroners."

[Passed the 31st day of March, 1855.]

#### SECTION

1. Rev. stat., chap. 41, sec. 5, repealed.
2. Extra charge, how defrayed.

#### SECTION

3. Justices may amerce.
4. Appeal.

Be it enacted by the governor, council, and assembly, as follows :

1. The fifth section of the chapter 41 of the revised statutes, "Of coroners," is repealed. Rev. stat., ch. 41, sec. 5, repealed.
2. If there be any further necessary or extraordinary charge on an inquest or burial, besides those mentioned in the first four sections of the chapter hereby amended, they shall be defrayed by the county. Extra charge, how defrayed.
3. If any grand jury neglect or refuse to make a presentment for the amount of expense so incurred, the justices in session shall amerce the county for any sum which may appear to them necessary to be raised for that purpose. Justices may amerce.
4. Any person aggrieved by the assessment, may appeal, as in case of ordinary county rates. Appeal.

## CHAPTER 42.

### An Act to amend Chapter 51 of the Revised Statutes, "Of Religious Congregations and Societies."

(Passed the 31st day of March, 1855.)

#### SECTION

1. Sale of building used for public worship, &c. Proviso.

#### SECTION

2. When vested in trustees.
3. Sale of land not authorized.

Be it enacted by the governor, council, and assembly, as follows :

1. Whenever the congregation using any building for the purpose of public worship, may wish to dispose thereof, on account of the same having become delapidated, or otherwise, and shall not have legal power to do so, the proprietors of such building, at a meeting held for the purpose, after public notice thereof, given in at least three of the most public places within the settlement wherein the building is situate, at least ten days previously, may by a vote of three-fifths of the proprietors present at such meeting. Sale of building used for public worship, &c.

appoint a committee of three of their number, to make sale of such building, and the committee shall sell the same conformably to the instructions given at the meeting, and cause the removal thereof, and shall apply the proceeds of the sale as directed by the meeting; but no meeting shall be valid for such purpose unless a majority of the proprietors are present.

Proviso.

When vested in trustees.

2. In case the building shall be vested in trustees who shall not have legal power to sell the building, the same may be disposed of by a meeting of the persons for whose benefit such building is held, called, and constituted, as directed in the preceding section, and a majority of three-fifths of the persons so interested, present at the meeting, may empower the trustees, or a committee, to sell the building and apply the proceeds.

Sale of land not authorized.

3. Nothing herein shall authorize the sale of the land on which any building, so to be disposed of, shall be situated.

## CHAPTER 43.

### An Act to regulate the Sale of Fresh Fish.

[Passed the 31st day of March, 1855.]

SECTION 1. May be sold.—Proviso.

Be it enacted by the governor, council, and assembly, as follows :

May be sold.

Proviso.

Any corporation or individual may open a fish market in any part of this province, or vend fish therein, subject to the provisions of the fifty-fourth and fifty-sixth chapters of the revised statutes, and the one hundred and sixty-second section of the act, entitled, an act concerning the city of Halifax.

## CHAPTER 44.

### An Act respecting Prosecutions for Penalties.

[Passed the 31st day of March, 1855.]

SECTION

1. Penalties not exceeding £10, how recovered.
2. In what name.

SECTION

3. Person liable to penalty under provincial act may be proceeded against as for an indictable offence.

Be it enacted by the governor, council, and assembly, as follows :

Penalties not exceeding £10, how recovered.

In what name.

1. All penalties and forfeitures, not exceeding ten pounds, may be sued for and recovered before any two justices of the peace; but if incurred within the city of Halifax, before the police court.
2. Prosecutions for such penalties or forfeitures may be in the name of any person, or of any corporate body.

3. Any person liable to a penalty or forfeiture, under any provincial act, may be proceeded against, and convicted therefor, as for an indictable offence.

Person liable to penalty under provincial act may be proceeded against as for an indictable offence.

## CHAPTER 45.

### An Act to amend Chapter 97 of the Revised Statutes, "Of Trustees of Public Property."

[Passed the 31st day of March, 1855.]

#### SECTION

1. Trustees of school lands, appointment of.

#### SECTION

2. Vacancies, how filled.

Be it enacted by the governor, council, and assembly, as follows :

1. The sessions in each county shall have power to appoint trustees of school lands in any township or district in this province where none are now appointed.

Trustees of school lands, appointment of.

2. Whenever any vacancy shall occur, by death or removal from the county, incompetency, or refusal to act, of any trustees already appointed to take charge of any school lands in any township or district in this province, the sessions may appoint trustees to fill such vacancy, who shall have the same power as the original trustees.

Vacancies, how filled.

## CHAPTER 46.

### An Act to amend Chapter 37 of the Revised Statutes, "Of the Office of Surveyor General and Commissioner of Crown Lands."

[Passed the 2nd day of April, 1855.]

#### SECTION

1. Sec. 2 of chap. 37 of rev. stat., repealed.

#### SECTION

2. Salaries, &c. of the crown land office.  
3. Salaries to be currency.

Be it enacted by the governor, council, and assembly, as follows :

1. Section 2, of the chapter hereby amended, is repealed.

2. The salaries and other expences of the crown land office, shall be as follows :

Sec. 2 of chap. 37 of rev. stat., repealed.

Salary of commissioner of crown lands, five hundred pounds; salary of first clerk, two hundred and fifty pounds; additional clerks, three hundred pounds; contingencies, fifty pounds.

Salaries, &c., of the crown land office.

3. The before named salaries are current money of Nova Scotia, and not sterling.

Salaries to be currency.

## CHAPTER 47.

An Act in addition to Chapter 87 of the Revised Statutes, "Of  
General Provisions respecting Corporations.

[Passed the 31st day of March, 1855.]

**SECTION**

1. Abstract of receipts, &c. of all joint stock incorporated companies to be filed, &c.

**SECTION**

2. Penalty.

Be it enacted by the governor, council, and assembly, as follows :

Abstract of receipts, &c., of all joint stock incorporated companies to be filed, &c.

1. All joint stock incorporated companies doing business in this province, by agents or otherwise, shall, once in every year, produce and file, in the provincial secretary's office, an abstract of all their receipts, expenditures, profits, and losses, within the province, and, when required by the governor in council, such rules, bye-laws, accounts, and such other of their proceedings as shall be specified in such requisition.

Penalty.

2. Any such corporate body refusing or neglecting to furnish such abstract, or to comply with such requisition, shall forfeit a penalty of five pounds for every month during which such default shall continue.

## CHAPTER 48.

An Act for granting a pension to the late Commissioner of Crown  
Lands.

[Passed the 31st day of March, 1855.]

SECTION 1. Pension to John Spry Morris, Esq.

Be it enacted by the governor, council, and assembly, as follows :

Pension to John S. Morris, Esq.

1. There shall be paid quarterly to John Spry Morris, Esquire, for life, an annual pension of two hundred and forty pounds sterling, out of the public funds, income, and general revenue; but such pension shall cease upon his accepting an office under government of equal or greater value.

## CHAPTER 49.

## An Act for the Municipal Government of Counties.

(Passed the 31st day of March, 1855.)

## SECTION

1. Operation confined to Annapolis, Yarmouth, King's and Queen's. Desire to be incorporated, how testified, &c. Meeting, votes. Meetings, when opened. Return. Return, how acted upon. Fees. Proceedings, when renewed.
2. County incorporated, &c.
3. Council, what to consist of.
4. Time of elections. Districts, &c., number of councillors returned. What districts to be considered as separate counties.
5. Notices of elections; presiding officers. Notices, how supplied.
6. Division of councillors.
7. Time of election of councillors composing each section.
8. Election, how conducted. Casting vote. Poll list to be signed and sealed; returns.
9. Notice to councillors.
10. Presiding officer and clerk to be sworn.
11. Must vote in his own district.
12. Elector, qualification for.
13. Councillor, qualification for.
14. Persons disqualified.
15. Persons exempted.
16. Warden, qualification of. Return of votes for warden.
17. How elected.
18. In case no majority, a warden not qualified.
19. Duration of office. When vacancy occurs.
20. Presiding officer at elections—power of.
21. Councillors must take oath of allegiance. Penalty.
22. Election of councillor in case of vacancy.
23. Organization of council.
24. Time of meeting after first year.
25. Quorum. Members may be compelled to attend. Questions; how decided.
26. Number of meetings in each year.

## SECTION

27. Extra meetings—notice of.
28. Clerk and Treasurer—appointment of.
29. Duty of clerk.
30. Duty of treasurer.
31. Duration of office of clerk.
32. No person to hold more than one municipal office.
33. Resignation and fine. Duration of office of warden, &c. elected to fill vacancy.
34. Formation of bye-laws.
35. Auditors—appointment of, qualification, &c.
36. Auditors—duty of.
37. Authority of auditors.
38. Salaries of warden and councillors.
39. Attendance.
40. Fines for non-attendance.
41. Vote for the poor, overseers, &c.
42. Council to exercise the functions of the grand jury, sessions, and as given by chaps. 89 and 90 revised statutes.
43. Committees—formation of.
44. Power of municipalities.
45. Appointment of assessors. Casual vacancies, how filled.
46. Duration of office of treasurer, assessors, &c.
47. Financial year, when ended.
48. Road monies, distribution of. Appointment of commissioners.
49. Appropriation list to be sent to financial secretary.
50. Commissioners, duties of.
51. Account of commissioners.
52. Account, further examination of.
53. School commissioners, appointment of.
54. Municipality property, court house, &c.
55. Pound keepers, fence viewers, &c., appointment of, duties, fees, penalties, &c.
56. Board of health, appointment of.
57. Rabid animals. Preservation of game and fisheries.

## SECTION

58. Setting fire to woods, removing obstructions from rivers, &c.
59. Fires, regulations concerning Firemen, &c., appointment of.
60. Trespasses by cattle, regulations concerning.
61. Acts of clerk of the licences, how performed.
62. Acts of town clerk, how performed.
63. Revised statutes, chaps. 157, 158 and 160, not affected.
64. Warden to have same power as justice of the peace.
65. Grand jury and sessions not required to meet. Power of justices of the peace not affected.
66. Power and authority of council. Roads. Road money. Statute labor. Road districts, bridges, &c. Poor. Intoxicating liquors. Ferries, wharves, &c. Assessment. Collector of assessments. Proviso. Contracts. Salaries of officers. Returns of assessors; expenses of elections. Presiding officers at elections. Contested elections. Prevention of vice. Other matter under control of council.
67. Coroners, appointment of.
68. Snow plough.
69. All powers vested in grand jury, sessions, &c., to be transferred to municipality council. Proviso.
70. Debts to be assumed. Proviso.
71. Assessment of poor and county rates.
72. Allowances to collector, &c.
73. Bye-laws must be laid before the legislature.
74. Expenditures to be laid before the legislature.
75. Not to extend to toll bridges, &c.
76. Penalties, how recovered. Informer not a competent witness, when. Members of council competent witnesses.
77. Expenditure of road monies to be accounted for.

## SECTION

78. Sheriff's, &c. fees on first election.
79. Assessments, how recovered.
80. Rates for public purposes.
81. Inconsistent or repugnant laws only affected.
82. Returning officer may administer oaths.
83. Every officer to be sworn.
84. Oath of qualification, by whom taken.
85. No person qualified to vote, &c. unless a subject of her majesty.
86. Oaths, by whom to be administered.
87. Penalty for refusing to take office. Proviso.
88. Affirmation.
89. Corporations of cities not affected.
90. Actions against council, how brought.
91. Judgments, interest on.
92. Coroners to be sworn. Present coroners not affected.
93. Jurisdiction of sessions and grand jury taken away.
94. Powers of grand juries, &c. given to municipal councils.
95. Protection of wardens, &c.
96. Judicial districts, formation of. Commissions.
97. Office of commissioners, duration of.
98. No councillor to be a commissioner.
99. Authority of commissioners.
100. Jurisdiction. One party must reside in district.
101. Meeting of commissioners, quorum, &c.
102. Power to administer oaths. Appeal.
103. Clerk of district, appointment of.
104. Witnesses.
105. Power of justices of peace to cease, when.
106. Fees.
107. Commissioners salary. No commissioner, &c., to be employed as attorney.
108. Bye-laws.
109. Powers, protection, &c. of justices of the peace transferred to commissioners.

Be it enacted by the governor, council, and assembly, as follows :

1. The operation of this act shall be confined to the counties of Annapolis and Yarmouth, and King's county, and Queen's county, if they shall desire to be incorporated thereunder.

Operation confined to Annapolis, Yarm'th., King's and Queen's.

The desire of a county to be incorporated hereunder shall be ascertained and testified in manner following:

If one hundred persons, certified by two justices of the peace to be freeholders, shall present a requisition to the sheriff to that effect, he shall name a day and place for holding simultaneously a meeting in each electoral district in the county, and shall appoint a presiding officer and clerk of each district; of which meeting notice ten days previously shall be given in three of the most public places of each district, by printed handbills with a copy of the petition affixed, setting forth the object.

Desire to be incorporated, how testified, &c.

The sheriff and presiding officers shall, at the time and place appointed in each electoral district, convene the meeting and receive the votes for or against the county incorporation to be given by the persons present qualified to vote for members of assembly, resident within the district, which voters and their votes the clerk shall take down in writing.

Meeting, votes.

The meetings shall be held from nine o'clock in the morning till three o'clock in the afternoon, when the meetings shall be closed, and the presiding officer shall seal up the list of voters, and their votes, and return the same to the sheriff.

Meetings, when opened.

The return shall be publicly opened and counted by the sheriff in the presence of the clerk of the peace, on a day and at a place to be previously appointed, and a majority of the whole votes shall decide the question.

Return.

The sheriff shall return the result to the governor in council; if in favor of incorporation, the governor by proclamation shall declare the county to be incorporated under this act, unless just ground to impugn the legality and fairness of the proceedings shall be shewn to the satisfaction of the governor in council, in which case the proclamation may be withheld until examination into the legality of proceedings can be had, and the governor in council shall ultimately decide accordingly as the regularity and fairness of the proceedings or the reverse shall be established.

Return, how acted upon.

The sheriff shall receive forty shillings, the presiding officers ten shillings each, and the clerks five shillings each, in full for their services, to be paid by the county or district.

Fees.

The proceedings may be renewed at any period not less than twelve months from any rejection of incorporation.

Proceedings, when renewed.

2. The inhabitants of every county incorporated under this act shall be a body corporate, under the name of the municipality of \_\_\_\_\_ and shall have perpetual succession and a common seal, with power to break, renew, or alter such seal at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded in all courts and places whatsoever, of purchasing, acquiring, and holding lands and tenements, and other real and personal property within such municipality, for the use of the inhabitants thereof in their corporate capacity, and of making and entering into such contracts as may be necessary for the exercise of their corporate functions; and the powers of the corporation shall be

County incorporated, &c.

exercised by and through and in the name of the municipal council of such county.

Council, what to consist of.

3. The council shall consist of a warden and councillors; the warden to serve for one year, and the councillors after the first election for two years, and until their successors shall be sworn into office.

Time of elections.

4. The first election of councillors shall be held on the third Tuesday of November, and shall be conducted by the sheriff and persons named by him; all succeeding general elections shall be held on the third Tuesday of November in each year, and shall be conducted by presiding officers named by the councils.

Districts, &c., number of councillors returned.

The elections shall take place in and for each of the electoral districts laid off for the election of members to serve in general assembly, and each district shall return two councillors, except when otherwise provided in the schedule A. hereto annexed, and the election shall take place in and for the several districts comprised in that schedule as therein directed, in the same manner as if the said schedule were incorporated in this act.

What districts to be considered as separate counties.

For the purposes of this act the districts of Saint Mary's in the county of Guysborough, and Barrington in the county of Shelburne, the township of Clare in the county of Digby, and the township of Argyle in the county of Yarmouth, shall be treated as separate counties and incorporated accordingly. And the court houses at Barrington, Sherbrooke, Tusket, and Clare, shall be used as county court houses in those districts respectively for the purposes of this act.

Notices of elections; presiding officers.

5. It shall be the duty of the sheriff in the case of the first election, and of the presiding officers in future elections, to give at least ten days public notice, in writing, of the times and places of holding the election, and post the same in three of the most public places in each district, and the sheriff and persons appointed by him shall preside at such first election, and persons appointed by the council shall preside at future elections.

Notices, how supplied.

It shall be the duty of the municipality clerk to supply the presiding officers with the notices after the first election.

Division of councillors.

6. Soon after the first election the councillors shall be divided by the council into two sections, to be distinguished by lot number one and two, the numbers of which beginning with section number one shall go out of office in each alternate year. In forming these sections the councillors for districts returning two or more shall be apportioned between the sections.

Time of election of councillors composing each section.

7. On the third Tuesday in November, in the year next following that in which the first election shall be had, and on the same day in each succeeding year, an election shall be held of the councillors in one section, beginning with number one, and proceeding in all future annual elections in regular alternation; the members returned at each election shall be entered on the list of the section previously occupied by the members then vacating office; councillors going out of office may be re-elected.

8. Every election shall commence at nine o'clock in the morning. No candidate shall be proposed after twelve o'clock; at any time after that hour the poll may be closed by proclamation if no vote be polled within an hour, and the poll shall not be continued later than five o'clock in the afternoon. At the close of the poll the presiding officer shall proceed, publicly, to declare the number of votes given for each candidate, and shall proclaim the person having the majority of votes to be duly elected, and summon his attendance on the second Tuesday of December following, at the county court house.

Election, how conducted.

If there shall be an equal number of votes the presiding officer shall give a casting vote, and so determine the election.

Casting vote.

The presiding officer and his clerk shall then and there publicly subscribe the poll list and seal up the same, and the presiding officer, within two days after the close of the election, (under the penalty of twenty shillings for each day's delay thereafter,) shall make return in writing of the councillors elected, together with the poll list, the seals having been unbroken, at the first election to the sheriff, and at subsequent elections to the municipality clerk; and such poll list, after having been published as hereafter provided, shall be open to the inspection of every member of the incorporation.

Poll list to be signed and sealed; returns.

9. The proclamation and summons of the presiding officer shall be notice to every councillor elect, present in person or by an authorised agent or clerk; councillors elect, not so present, shall be, immediately after the election, notified and summoned by the presiding officer.

Notice to councillors.

10. Before the presiding officer shall allow any votes to be polled, he, and the clerk he may employ, shall take the oath in the schedule annexed before a justice of the peace or two electors, and they shall certify such oath in the poll book for the election.

Presiding officer and clerk to be sworn.

11. No person shall vote except in the district in which he resides.

Must vote in his own district.

12. Municipal electors shall have the same qualification, and be liable to the same objections, questions, and oaths, as electors for members of assembly shall at the time by law be required to have, and be subject to, and the objections shall be taken and questions and oaths put and administered as the law regulating elections of members of assembly shall require.

Elector, qualification for.

13. No person shall be qualified to be elected or serve as councillor who shall not at the time of the election be possessed of the same qualifications as is required in the case of members of the house of assembly.

Councillor, qualification for.

14. None of the following persons shall be elected a councillor, or be appointed to office by any council; nor shall any person continue to act as councillor or hold any office under a municipal council after becoming one of the persons disqualified as follows:

Persons disqualified.

I. Persons in holy orders, or ministers, or teachers of any religious sect or denomination; but this restriction shall not extend to school commissioners.

II. The sheriff.

III. Any person having a contract, or share or interest in a contract with the municipality.

IV. Any person receiving a pecuniary allowance from the municipality for his services in any office other than warden or councillor.

Persons exempted.

15. The following persons shall be exempt from being elected councillor or serving in any municipal office unless with their own consent.

I. Justices of superior courts and of probate.

II. Members of the executive or legislative councils, members of the legislative assembly, schoolmasters actually engaged in teaching, any miller who shall be the only one employed in a mill; persons more than sixty years of age.

III. Persons who have served as councillors or in any municipality office, or paid the penalty for refusing, shall be exempt during the four years next after such service or refusal.

Warden, qualification of.

16. At each annual election, including the first, the electors may vote for a warden from among the body of inhabitants resident within the municipality, and qualified as is required for a councillor.

And the sheriff, at the first elections, and at subsequent elections, the presiding officers, shall return under seal, the votes given for warden in each district, when they make return of the councillors elected.

Return of votes for warden.

17. On the first meeting of the council following each annual election, the council shall ascertain the votes given for warden in all the districts, and any one person having a majority of the whole number of votes given for warden shall be warden for that year, and he shall take the oaths of office; and also if he shall not be a councillor already sworn in, the oath of qualification, and shall have all the authority of a councillor while warden, and be liable to a like fine for non-acceptance of office, or not qualifying.

How elected.

In case no majority, a warden not qualified.

18. In case no person shall have a majority of the whole votes given for warden, or being so elected shall not qualify and serve, the council shall choose by a majority of votes from among themselves or from among the inhabitants, at their discretion, a warden duly qualified.

Duration of office. When vacancy occurs.

19. The warden shall hold office for one year, and thereafter until his successor be appointed, but he may be re-elected. Whenever a vacancy occurs during the term of office, by death, resignation, or otherwise, the council shall, at its first meeting thereafter, proceed to elect a warden for the remainder of the term; during the temporary absence of the warden, his place may be filled by a chairman for the time being, with all the authority of the warden chosen by the members present.

Presiding officer at elections—power of.

20. The presiding officer, at an election of councillors, during the time of such election, shall be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, the apprehension, committal, holding to bail for trial, or trying or convicting offenders, as are vested in justices of the peace

in this province ; and, for the purpose of preserving peace and good order, all justices of the peace residing in the district shall attend at the election, upon being notified in writing by the presiding officer ; and such officer may command the assistance of all justices, constables, and other persons present at the election, and may swear in as many special constables as he thinks fit ; he may commit any person for a breach of the peace, or for molesting or threatening any elector, at or coming to, or returning from the election, or for any violation of good order, to the custody of any constable or person present, on view, for such time as he deems expedient, or may, by writing, under his hand, commit the offender to the common jail of the county, for any period not exceeding ten days ; and any justice of the peace or other person present at the election, who shall neglect to aid or assist the presiding officer during such election, when requested by him, shall be deemed guilty of a misdemeanor, and be punished accordingly.

21. No person who may be elected a councillor shall act in that capacity until he shall have taken and subscribed, before a justice of the peace for the county, or the sheriff, in the case of the first election, and in case of subsequent elections, before the warden or municipality clerk, the oath of allegiance to her majesty, and also the oath of office and qualification ; such oath shall be taken and subscribed by each councillor, duly qualified, at the first meeting of the council after his election, or otherwise within ten days after notice of his election ; and, in default thereof, such person shall be deemed to have refused to accept the office of councillor, and shall be liable to pay the municipality clerk such fine, not exceeding ten pounds nor less than five pounds, as the bye-laws of the council shall prescribe : provided that no person elected a councillor shall be subject to a penalty for not taking the required oaths if he be not qualified, which fact he shall be required to verify on his own oath, before a justice of the peace, on first election, and before the warden or municipality clerk, on subsequent elections.

Councillors must take oath of allegiance.

Penalty.

22. In case of the death or resignation of any councillor, or his permanent absence from the municipality, or absence for more than six months, or incapacity after election, or refusal to accept office, or neglect to be sworn, the warden of the county shall issue a warrant, under his hand and seal, to the presiding officer, requiring him to call a public meeting in the district to elect some other person to fill the vacancy, and such election shall be conducted in the manner prescribed in this act for holding elections, but no warrant shall issue for an election to supply a vacancy within three months of the annual election.

Election of councillor in case of vacancy.

23. On the second Tuesday of December, after the first election, the sheriff and the councillors elect shall meet at the county court house, and the sheriff having produced the returns of the presiding officers, and the seals being then and there broken, and the returns examined, and the councillors elect having been sworn into office, the council shall be organised and proceed to business.

Organization of council.

Time of meeting after first year.

24. On the second Tuesday of December, after the annual elections in all subsequent years, the municipal council and the councillors elect shall meet at the county court house, and the municipality clerk having produced the returns of the presiding officers, and the seals being then and there broken and the returns examined, the councillors elect shall be sworn into office.

Quorum.

25. A majority of the council shall be a quorum for the transaction of business, a smaller number may adjourn from time to time, and absent members may be compelled to attend under such penalties as may be provided by bye-law of the council. All questions arising in the council shall be decided by a majority of votes; in case of an equal division the warden or temporary chairman shall have a casting vote, but in no other case shall the warden or temporary chairman have a right to vote.

Members may be compelled to attend.  
Questions, how decided.

Number of meetings in each year.

26. There shall be two established meetings of the council in each year; the first herein designated, the annual meeting, shall be held at the county court house on the second Tuesday of December; the second herein designated, the half yearly meeting, shall be held at such place as the council may appoint, on the last Tuesday of April.

Extra meetings—notice of.

27. Besides these regular meetings, the council may meet as often as expedient for the despatch of business, at such time and place as they may appoint, public notice shall be given of the time and place of each meeting of the council, and all meetings shall be open and public; the council shall have power to adjourn and to appoint committees to act during the session and recess: if any council fails to meet at any time appointed by law, they shall not thereby be deemed to be dissolved, but may hold future meetings as if there had been no failure.

Clerk and Treasurer, appointment of.

28. Each council shall appoint a clerk and a treasurer, who shall respectively perform the duties now exercised by the clerk of the peace and county treasurer, as far as the same come within the scope of the corporation and of this act, and the council shall prescribe the duties of such officers, and the security to be given for the faithful performance thereof.

Duty of clerk.

29. The general duty of the clerk shall be to record in a book all the proceedings of the corporation, make regular entries of all resolutions and decisions, and if required by any member present, to enter the votes as given, and to preserve and file all accounts, and to keep the books, records, and accounts of the corporation; which shall be open, without fee or reward, to the inspection of all persons at all seasonable times and hours.

Duty of treasurer.

30. The treasurer shall be appointed annually. It shall be the duty of the treasurer to receive and safely keep all monies belonging to the municipality, or which he shall be appointed to receive, and keep and to pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the municipal corporation, or by any law of the province, and strictly to conform to and obey any such law or any bye-law lawfully made by any

such municipal corporation, and faithfully to perform all such duties as may be assigned to him by any such law or bye-law; and every treasurer shall annually give such security for the faithful performance of the duties of his office, and more especially for the due accounting for, and paying over, all monies which shall come into his hands by virtue of his office, as the municipal corporation by which he was appointed shall direct.

31. The clerk as well as any other officers, regarding whose period of service no other provision shall be made by this act or any bye-law of the corporation, shall hold their offices until removed by the municipal corporation for the time being, notwithstanding any change in the members composing the same. Duration of office of clerk.

32. No person shall hold more than one municipality office at the same time in any municipality, the partner of any municipality officer shall not hold office in the same municipality with such officer; no officer, either directly or indirectly, shall have any share or interest whatever, either for himself or his partner, in any work undertaken for the municipality council. No person to hold more than one municipal office.

33. A warden or councillor may resign his office at any time by a declaration to that effect under his hand, and on payment of a fine of ten pounds. Resignation and fine.

The warden or councillor elected to fill an occasional vacancy, shall hold office for the residue of the term of the person whom he succeeds, but no longer; but he shall be capable of re-election if qualified. Duration office of warden, &c. elected to fill vacancy.

34. The council shall have power to make, and from time to time alter, such rules and regulations as may be requisite for the conduct and good order of their proceedings, and such bye-laws touching any matters within its authority as it may judge proper. Formation of bye-laws.

35. The council, at its first meeting in each year, or as soon after as practicable, shall appoint two persons to be county auditors. No person shall be appointed auditor who is a member of the municipality council or one of the officers, or who was a councillor or officer at any time within a year previously, or who shall, directly or indirectly, by himself or partner, have any share or interest in any contract with the municipality council, or any employment under them. No municipality auditor shall act as such unless he shall have the qualification required for a councillor, and shall have previously made and subscribed the oath of office and qualification. Auditors—appointment of, qualification, &c.

36. It shall be the duty of the municipality auditors to examine and audit the accounts of the treasurer, and all other accounts of the council or corporation, or in which the municipality is concerned; and it shall be the duty of the council to refer to them all such accounts, and their duty faithfully to report thereon without needless delay. Auditors—duty of.

37. The municipality auditors shall have authority to call for all books and vouchers they may deem necessary for elucidating any account laid before them. No account shall be allowed or Authority of auditors.

passed by the council until the same is audited and reported upon by the municipality auditors; and all audited accounts shall be open at all reasonable times to the inspection of any elector of the municipality.

Salaries of warden and councillors.

38. The warden and councillors shall be paid, that is to say: the warden by a salary to be established by the council, and the councillors according to their actual attendance, at such rate as the council by bye-law shall determine, not to exceed five shillings per day, and travel at the rate of three pence going and returning per mile.

Attendance.

39. The clerk shall keep an exact account of the attendance of councillors at every meeting.

Fines for non-attendance.

40. The warden and councillors shall respectively be liable to such fines for non-attendance or other neglects, as the council by bye-law may appoint, of which the clerk shall keep a correct account; nor shall any of them be authorised to receive any payment for salary or fees until such fines as may stand against them be deducted.

Vote for the poor, overseers, &c.

41. On the first meeting of the council, after each annual election, or as soon after as may be convenient, the council shall vote for each poor district the sum it shall judge necessary for the support of the poor in that district, and the purposes enumerated in the eighty-ninth chapter of the revised statutes; and shall appoint overseers of the poor for the existing poor districts, until such existing poor districts shall be altered by the council, which districts it has power from time to time to alter, if it shall see fit to do so.

Council to exercise the functions of the grand jury, sessions, and as given by chaps. 89 and 90 revised statutes.

42. The overseers of the poor shall account to the council instead of the sessions; and the council shall exercise the functions given by such eighty-ninth chapter to the grand jury, town meetings and general and special sessions, and to the sessions by the ninetieth chapter, and shall hear and determine appeals, and in all particulars shall carry out the objects of those chapters as nearly in conformity with the mode thereby directed as shall be consistent with this act and the incorporation thereunder.

Committees—formation of.

43. In the exercise of the functions, and the carrying out of the objects stated in the preceding section, and also in any other matters exclusively relating to townships or special districts, and which have heretofore been managed by township or district officers, and under township and district authority, the municipality may appoint, for carrying into effect and managing the same, committees of their own body, comprising councillors returned from such townships or districts, which committees may meet from time to time, and shall specially attend to and regulate the affairs of those townships or districts under the supervision, direction and control of the council, and subject to its orders and revision, and liable to be superseded at its pleasure.

Power of municipalities.

44. The municipalities may vote, assess, collect, receive, appropriate, and pay, whatever monies are required for purposes named in the forty-sixth chapter of the revised statutes, and shall have

all the powers and authority which, when this act shall go into operation, may be possessed by the grand jury and session under that chapter, and shall carry out the objects of that chapter as nearly in conformity with the mode it directs as shall be consistent with this act and the incorporation thereunder.

45. The municipalities, for raising the monies required under such eighty-ninth and forty-sixth chapters, and which may be required for any other township, district, or county purposes, shall, at the annual meeting in December, appoint a suitable number of assessors and collectors, and prescribe their duties and allot their limits within which to act. Appointment of assessors. Casual vacancies shall be filled by the council, if such vacancies occur within a month before either regular meeting of the council, otherwise by the councillors for the electoral district or districts within which the assessors or collectors were limited to act. Casual vacancies, how, filled.

46. The treasurer, overseers of the poor, assessors, collectors, and other officers whose term of office is not by this act, or shall not be by bye-law of the corporation, otherwise determined, shall hold office from the time of their appointment, or from the time by the council fixed for its commencement, until the first annual meeting in December next, after or until their successors be appointed. Duration of office of treasurer, assessors, &c.

47. The municipal financial year shall end on the thirtieth day of November, and all accounts of the several officers, and of the municipality, shall be audited, examined, determined upon, and passed, as far as possible, at the first annual meeting in December. Financial year, when ended.

48. At the half yearly meeting in April, the road monies granted by the legislature shall be apportioned to the extent and upon the principles which the legislature may from time to time direct and approve; commissioners for its expenditure shall be appointed, and any other appointments and business attended to. Road monies, distribution of. Appointment of commissioners.

49. At the same meeting the council shall transmit to the financial secretary a full and exact list of the appropriation of the road monies granted by the legislature, with the commissioners names. Appropriation list to be sent to financial sec'y.

50. The commissioners shall lay out the money and make account of the expenditure, as the law now does, or hereafter may require; but their accounts, instead of being attested before a justice of the peace, shall be audited and sworn to before a councillor resident in the district where the work may be performed, or if none shall be resident therein, a councillor resident in an adjacent district; and such councillor shall certify the account as approved under his hand. The commissioners shall draw for the money, and their accounts be audited and paid at the financial secretary and receiver general's office, as is now done. Commissioners, duties of.

51. The commissioners shall immediately return a duplicate of their account to the municipality clerk, and the council shall, at the annual meeting in December, examine these accounts, and return a full abstract to the financial secretary. Account of commissioners.

Account, further examination of.

52. If any occasion shall induce the council to judge a further examination of any account to be necessary, they shall refer the same to the municipality auditors, to whom the commissioners shall make explanations, and the auditors shall report thereon to the council before the half yearly meeting in April.

School commissioners, appointment of.

53. The council shall appoint a board or boards of school commissioners in place of the boards which may be acting at the time this act shall go into operation; the members severally to hold office during the pleasure of the council. The board of school commissioners shall appoint their own clerk, and in addition to the returns required by law, shall half yearly make a full account of their appropriations, expenditures, and proceedings, to the municipality clerk, that is to say, on or before the first day of March, and on or before the first day of October. The municipality clerk shall immediately place the returns in the hands of the auditors, who shall examine and report thereon to the council at its next general meeting, and the council shall examine and adjudicate on the same.

Municipality property, court house, &c.

54. The municipalities shall have authority for the purchase, acquirement, and management of all such real and personal property within the municipality as may be required for purposes of the corporation, and the sale and disposal of the same, when no longer required; and for the superintendance and management of all the property of the municipality, and for the erection, preservation and repair of the municipality court house, jail, lock-up house, town hall, and all other buildings required by or being upon any land belonging to the municipality as a corporation, and shall have and possess all powers given to the sessions by the forty-seventh chapter of the revised statutes, and the protection, care, and management of municipality property, and the title, powers, and authority of the grand jury, sessions, and trustees, under the ninety-seventh chapter of the revised statutes.

Pound keepers, fence viewers, &c., appointment of, duties, fees, penalties, &c.

55. The municipal councils shall appoint a sufficient number of pound keepers, fence viewers, overseers of the highways, road surveyors, and of such and so many officers as may be necessary for carrying into effect any of the provisions of this act, or of any other act of the legislature, concerning any of the subjects placed under the jurisdiction of the councils, or of any bye-law of the municipality, and in like manner to displace any of them and appoint others in their room, and to add to or diminish the number of them as often as the corporation shall see fit, and to regulate their powers and limits wherein they shall be exercised; and shall regulate and prescribe the duties of all officers acting under the authority of the corporation, and the penalties of their making default in the performance of such duties, and shall settle the remuneration of all such officers, in all cases where the same is not settled by act of the legislature, and the providing for the payment of the remuneration which, by the act of the legislature, or by the bye-laws of the municipality, may be provided for such officers; and shall regulate the bonds, recognizances, or other securities to be

given by such officers for the faithful discharge of their duties; the penalties for refusing to serve in any office, and for the infringement of any bye-law of the municipality.

56. The municipal corporation shall have the appointment of health officers, health wardens, and health inspectors, and a board of health, with the authority and powers given to justices in general or special sessions by the fifty-fourth and fifty-sixth chapters of the revised statutes.

Board of health, appointment of.

57. The municipal corporation shall also make regulations for the protection against rabid animals, and the destruction of noxious animals, and for exercising the authority and powers given to justices in general and special sessions by the fifty-fifth and ninety-third chapters of the revised statutes; also for the preservation of useful birds and animals, and the regulation and protection of the river fisheries, and for exercising the powers and authority of general and special sessions under the ninety-second and ninety-fifth chapters of the revised statutes.

Rabid animals.

Preservation of game and fisheries.

58. Also for preventing damage by setting fire to woods, felled trees, underbrush, and on bog and marsh lands; also for removing obstructions from rivers, and for regulating the bringing down of logs, timber, and lumber on rivers, and for exercising the powers of the grand jury and sessions under the one hundred and third chapter of the revised statutes.

Setting fire to woods, removing obstructions from rivers, &c.

59. The council shall make orders for the prevention and suppression of fires, regulating stoves, stove pipes, flues, furnaces, ovens, and the safe keeping of ashes, and shall appoint firewards, firemen, fire constables, and engine men, and shall exercise the authority and powers of the general and special sessions under the ninety-ninth chapter of the revised statutes; and shall make orders for the prevention of the unnecessary and wanton discharge of fire arms, and fire works.

Fires, regulations concerning Firemen, &c., appointment of.

60. Also, the municipal council shall have the power given to general or special sessions under, and shall make orders for carrying into effect, the one hundred and fifth, the one hundred and sixth, the one hundred and seventh, the one hundred and eighth, the one hundred and ninth, and the one hundred and tenth chapters of the revised statutes, and so much of the one hundred and forty-seventh chapter as relates to preventing trespasses by horses and oxen and other animals going at large.

Trespasses by cattle, regulations concerning.

61. The acts required in the one hundred and fifth chapter to be performed by the clerk of the licenses, and by justices of the peace, shall be done by the clerk of the corporation, and two councillors, unless otherwise ordered by any bye-law or order of the council.

Acts of clerk of the licences, how performed.

62. The acts required in the one hundred and sixth chapter to be performed by the town clerk shall be done by any officer or person authorised by the council, and a municipality councillor shall exercise concurrent authority with a justice of the peace under that chapter.

Acts of town clerk, how performed.

Revised stat.,  
chaps. 157, 158  
and 160, not af-  
fected.

63. This act shall not interfere with nor affect the jurisdiction created under the one hundred and fifty-seventh, one hundred and fifty-eighth, and one hundred and sixtieth chapters of the revised statutes.

Warden to have  
same power as  
justice of the  
peace.

64. The warden, while in office, shall ex-officio be a justice of the peace in and for the county, and shall have within the municipality all the powers and jurisdiction, as well civil as criminal, which belong to that office, and as well the warden as in his absence any councillor shall have power to administer oaths and affirmations concerning accounts, and other matters which shall be submitted to the corporation, or shall concern the same.

Grand jury and  
sessions not re-  
quired to meet.

65. The grand jury and sessions, or the justices in session, either general or special, shall not be required to meet for any purposes for which, by law, they are now required to meet in any municipality, but nothing in this act shall be construed to take from justices of the peace their power as conservators of the peace, or to impair or abridge the criminal jurisdiction they possess by common or statute law, or their authority over offences partaking of a criminal nature given by any law of this province, nor the power to administer oaths, nor any power belonging to the office of justice of the peace, which is not taken away by this act, either expressly or by necessary implication.

Power of justi-  
ces of the peace  
not affected.

66. The powers and authority of the council shall also extend to the following objects:

Power and au-  
thority of coun-  
cil.  
Roads.

I. The laying out of new roads, and the making, maintaining, or improving of any new or existing road or street, or for stopping up, altering, or diverting the same, not being a great road, subject however to the provisions of the law, and the restrictions and protection to private rights contained in the sixty-second chapter of the revised statutes, and subject to the rights of the crown and the province in public property.

Road money.

II. The appropriating and apportioning road money granted by the legislature, to be laid out in the municipality, by the municipal authority, and appointing commissioners for its expenditure, and the accounting therefor to the government.

Statute labor.

III. The directing and enforcing the performance of statute or highway labor, and the expenditure of the commutation money for highway labor, and all the powers of the sessions and of the justices of the peace under the sixty-third chapter of the revised statutes and the returns therein directed shall be made to the council or their clerk, or as the council may order.

Road districts,  
bridges, &c.

IV. The division of the municipality into road districts, and the appointment of a superintendant of roads in each with such powers as regards the roads and bridges, and the expenditure of provincial and municipality money, and statute labor therein, as the council shall see fit to confer; and the erection, preservation, and repair of any new or existing bridges, and the regulating the driving and riding over bridges; the protection of timber, stone, sand, or gravel,

or any appropriation for roads or other public property, and the sale of such timber and other articles.

V. The support of the poor by municipality, township, or district organization, and the election and maintenance of municipality, township, or district poor houses. Poor.

VI. The making orders for carrying into effect the law, as it may from time to time exist, concerning the manufacture, importation, and sale of intoxicating liquor, and the providing payment for expenses that may be incurred in relation to that object. Intoxicating liquors.

VII. The regulating ferries, public wharves and landings, and the establishment and regulations of markets and fairs. Ferries, wharves, &c.

VIII. The providing means for defraying such expenses connected with the administration of justice as require to be defrayed out of the municipality funds; the providing for the establishment and support of schools and hospitals; and the erection of school houses and hospitals, the raising, assessing, levying and appropriating all monies that may be requisite for carrying into effect the objects for which the council is empowered to act or to make by-laws; such monies to be raised by rates to be assessed on real and personal property, or its owners or occupiers. Assessment.

IX. The collection and accounting for, of all tolls, rates, and assessments of the municipality revenues; but no monies shall be voted, nor any salaries determined upon, except at one of the two regular meetings, or an adjournment thereof, unless the public service may require a deviation from this rule; in such cases, as also in cases of adjourned meetings, every member of the council shall have notice of the meeting and its objects. Collector of assessments. Proviso.

X. The making of all contracts relative to matters under their control, which contracts, after having been duly considered by the council, shall be signed by the warden, and counter-signed by the county clerk. Contracts.

XI. The determining what officers it may be expedient to pay, fixing the amount of the salaries, fees, and remuneration, where not fixed by this act, and the time and mode of paying them. Salaries of officers.

XII. The returns of assessors and collectors, with a view to the general business of the municipality; the expense of municipal elections, and the mode of remuneration. Returns of assessors; expenses of elections.

XIII. The appointing of presiding officers for conducting municipal elections, the times, places, and mode of election, and the times, form, and manner of the presiding officers' returns, as far as may not be specially directed by this act. Presiding officers at elections.

XIV. The making of rules and regulations for trying contested elections of members of their own body, and the trying of such contested elections. Contested elections.

XV. The enforcing of the due observance of the Lord's day; the prevention of vice, drunkenness, profane swearing, obscene language, and any other species of immorality or indecency in the public streets and roads, and for preserving peace and good order in such streets and roads, and in public places or taverns; for pre- Prevention of vice.

venting the excessive beating, or cruel and inhuman treatment of animals: for preventing the sale of any intoxicating liquors to Indians, children, apprentices, or servants; for restraining and punishing all vagabonds, drunkards, and beggars, and all persons found drunk or disorderly in any street, road, or public highway in the county.

Other matter under control of council.

XVI. The providing for any other purpose, matter or thing specially subjected to the control of the council by law; but no bye-law shall impose any punishment or imprisonment, or any penalty exceeding five pounds.

Coroners, appointment of.

67. The council, as often as requisite, shall appoint coroners, and determine their limits within which to act.

Snow plough.

68. It shall be discretionary with the municipality council to procure a snow plough, or other machine or contrivance sufficient to keep the roads open and beaten after the fall of snow, to the width of at least eight feet, and place the same under the charge of the commissioners of highways in each district, who shall cause the same to be worked and used by such number of the inhabitants of their district as they shall judge sufficient for its use, and in rotation; and the cost of the snow plough shall be defrayed out of the county funds by a rate imposed equally on the whole district.

All powers vested in grand jury, sessions, &c., to be transferred to municipality council

69. All powers and authorities now vested by law in the grand jury and sessions, in special sessions, or in justices of the peace, to make bye-laws, impose rates or assessments, appoint township or county officers, or make regulations for any county purpose whatever, after the incorporation of any municipality shall be transferred to, vested in, and be exercised by, the municipality council only; but no bye-laws or regulations made by the justices in session, shall be considered repealed until the municipality council shall expressly declare such repeal by a bye-law; and county and town officers shall continue to exercise their functions until the first meeting of the incorporated council under this act, and they shall be liable to account to the council.

Proviso.

Debts to be assumed.

70. All debts, liabilities, and obligations of every kind which may be due, or owing, or to which any municipality may be liable at the time of its incorporation, shall be assumed, paid, and performed by the municipality council, and be recoverable from the same by action, or otherwise, on the same terms and conditions as the same should have been paid and performed if the county had not been incorporated; and all property of a public nature, and debts of every kind, belonging or owing to any municipality, shall, at the same time, become vested in and due and payable to the municipality council; but no municipality council shall issue, or authorize the issuing, of any bill or note, or in any way act or authorize any persons to act as bankers.

Proviso.

Assessment of poor and county rates.

71. In assessing any rate or tax, the municipality council shall be governed in all things by the laws now or hereafter to be enacted for the levying and collecting of poor and county rates, except as herein provided; and the same shall be apportioned and assessed

equally on all property liable by law to poor and county rates; but no rate or assessment whatever shall be made or levied on any lands, tenements, or other property, real or personal, of her majesty, her heirs or successors, or in possession of the board of ordinance.

72. All allowances or per centage granted by law to any collector or county treasurer, and all salaries, wages, and allowances of any kind enjoyed by any county, town, or parish officer, shall continue to be paid, after the incorporation of any county, until otherwise ordered by the municipality council.

Allowances to collector, &c.

73. An authentic copy of each bye-law passed by the municipality council, shall forthwith, after being passed, be transmitted by the warden or chairman for the time being to the provincial secretary, who shall note on such bye-law the date of its receipt, and lay the same before the governor, by whom the same shall be laid before the legislature within ten days after the opening of its next session. Any bye-law repugnant to the law of the land, or the provisions of this act, shall be wholly void and of no effect whatever.

Bye-laws must be laid before the legislature.

74. At least ten days before the meeting of the provincial legislature, the warden shall transmit an abstract of the receipts and expenditures of the municipality, and the returns from the several judicial district courts during the preceding year, to the governor, who shall lay the same before both branches of the legislature.

Expenditures to be laid before the legislature.

75. Nothing in this act contained shall extend to any toll bridge, or road belonging to any company or individuals, nor to any work under the control of the imperial or provincial governments, or of the military authorities.

Not to extend to toll bridges, &c.

76. All fines and penalties imposed by any bye-law of the municipality councils, and for the recovery of which no other provision is made, may be recovered, with costs, by suit and execution, as in the case of debts in the name of the corporation, before any justice of the peace for the county, and, after the appointment of judicial district courts, before such courts. All fines and penalties, when recovered, shall be paid and applied as the bye-law shall direct. No informer or other person, who is to receive for his own benefit any part of a fine or penalty, shall be a competent witness for the prosecution, unless he first relinquishes, in writing, all claim to his proportion of the fine or penalty; in such case the whole penalty shall be applied as the bye-law shall direct for that portion which was not to go to the informer or prosecutor. No inhabitant of the municipality, or member, or officer of the council, shall be an incompetent witness in any prosecution for the recovery of a fine or penalty, or in any suit for money payable to the clerk or treasurer, or due to the council, or in any suit wherein the council is a party, or has an interest in the result by reason of such person being an inhabitant of the municipality, or a member of the council, or an officer, or a person in its employ: provided that such person shall have no other interest in the prosecution or suit which would render him an incompetent witness.

Penalties, how recovered.

Informer not a competent witness, when.

Members of council competent witnesses.

Expenditure of road monies to be accounted for.

77. The municipality council shall strictly account to the governor for the expenditure of all provincial monies granted for roads or other municipality uses, and under all needful vouchers; these expenditures shall be examined and audited by the financial secretary, and the accounts laid before the legislature within ten days after the opening of each session.

Sheriff's, &c. fees on first election.

78. In the case of the first election, the sheriff shall receive from the municipality funds the sum of forty shillings, in full for his services, and each presiding officer shall receive ten shillings, and each poll clerk five shillings, in full for their respective services.

Assessments, how recovered.

79. All rates and tolls imposed by the council shall be assessed and recovered in manner prescribed by the bye-laws, and by such assessors and collectors as may be appointed for that purpose by the council at one of the two meetings hereby appointed: provided such bye-law is not repugnant to the law of this province or to this act.

Rates for public purposes.

80. All rates for public purposes, not within the scope and authority of this act, which the inhabitants of any county are now liable, or may hereafter be liable, to pay by a law of the province, shall continue to be assessed upon and paid by the inhabitants of any incorporated county, until otherwise directed by act of the legislature.

Inconsistent or repugnant laws only affected.

81. Nothing in this act contained shall be construed to repeal or affect the provisions of any law or enactments now in force, except so far only as such law or enactment shall be inconsistent with, or repugnant to, the provisions of this act, or the attainment of the objects and purposes thereof.

Returning officer may administer oaths.

82. Every returning officer, or person holding any election under this act, shall have power to administer all oaths and affirmations required to be administered or taken at any such election.

Every officer to be sworn.

83. Every officer who shall be elected or appointed under this act, shall, before entering on the duties of his office, take and subscribe the general oath of office contained in the schedule, unless officers for whom the schedule contains a special oath of office.

Oath of qualification, by whom taken.

84. Every person elected or appointed under this act to any office which requires a qualification of property in the incumbent, shall, before he shall enter upon the duties of his office, take and subscribe the general oath of qualification contained in the schedule of oaths, and shall annex thereto and file with the clerk a schedule of his qualification.

No person qualified to vote, &c., unless a subject of her majesty.

85. No person shall be qualified to vote or to be elected or appointed to any office under this act, who shall not, at the time of his voting, election, or appointment, be a natural born or naturalized subject of her majesty, her heirs, or successors, and of the full age of twenty-one years.

Oaths, by whom to be administered.

86. When no provision shall be made in this act for the administering of any oaths or affirmations required to be administered or taken, the same may be administered by the warden, or, in his

absence by the clerk, or by any councillor or any justice of the peace of the county; and when an oath or affirmation is directed to be administered by, or taken before any officer or person, the authority to administer is included.

87. Every qualified person duly elected or appointed to any office in, by, or under the municipality, in cases not herein expressly provided for, who shall refuse such office, or neglect to take the several oaths or affirmations required by this act in respect thereof within ten days after his election and appointment, having had notice of such election or appointment, and every person who shall enter on the duties of any office under this act, without having taken the oath required in respect of such office, and every person duly authorized to administer such oaths or affirmations, who shall refuse to administer the same when such administration is reasonably demanded of him, shall thereupon, respectively, forfeit such sum, not more than twenty pounds, nor less than two pounds, as may be prescribed by the bye-laws of the municipal corporation, to be paid to the clerk of such corporation for the use thereof; provided that such forfeiture shall not be incurred by any person not legally qualified, or who shall be legally exempt, and who shall verify that fact on his oath.

Penalty for refusing to take office.

Proviso.

88. Every person authorized by law to make affirmation instead of taking an oath, may make affirmation in every case where an oath is required by this act; and any person who shall wilfully swear or affirm falsely in any matter where an oath or affirmation is required by this act, shall be deemed guilty of wilful and corrupt perjury, and be punished accordingly.

Affirmation.

89. Nothing in this act contained shall abridge, limit, or defeat any rights, powers, privileges, or jurisdiction of the corporation of the city of Halifax, or the corporation of any other town which may be incorporated during any further sitting of the legislature.

Corporations of cities not affected.

90. Every action brought by or against any municipality council shall be brought by or against the same by its corporate name; and in all such actions, service of process on the warden or clerk for the time being, shall be good and valid service of such process; in case of judgment being given against the corporation, the same shall be paid by order of the council, without unnecessary delay, if there shall be funds available for the purpose, otherwise the amount shall be included in the next assessment, and shall be paid out of the first monies which shall be subject to the appropriation of the council, if the amount shall not be paid within six months after judgment recovered, and demand made, the supreme court, or a judge thereof in vacation, shall have the power to amerce the county, which, by the fourth and nineteenth sections of the forty-sixth chapter of the revised statutes, are given to the sessions and the supreme court; and may, if need, be appointed assessors and collectors.

Actions against council, how brought.

91. Judgments against a municipal corporation shall bear interest at six per centum per annum.

Judgments, interest on.

Coroners to be sworn.

92. Coroners appointed under this act shall be sworn into office before the warden, or, in his absence, two councillors; and the forty-first chapter of the revised statutes, except the first section, shall be in force as to such coroners. Nothing in this act contained shall affect coroners now appointed.

Present coroners not affected.

Jurisdiction of sessions and grand jury taken away.

93. The jurisdiction of the general and special sessions of the peace and of the grand jury, in all matters over which, by this act, jurisdiction is given to the municipal council, is taken away in counties in which this act shall go into operation.

Powers of grand juries, &c. given to municipal councils.

94. The powers and authorities which in chapters twenty-two, forty-six, forty-seven, forty-eight, fifty-four, fifty-five, fifty-six, sixty-one, sixty-two, sixty-three, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, eighty-nine, ninety, ninety-two, ninety-three, ninety-five, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and forty-seven, one hundred and fifty-six of the revised statutes, are given to grand juries, justices in session, general or special, or to justices of the peace, and to the officers and persons named in those by them, and to officers and persons named in those chapters, for carrying out any of the provisions of those chapters, are given to municipal councils, and to the officers and persons to be appointed by them under the respective bye-laws of such councils.

Protection of wardens, &c.

95. The warden, councillors, and officers acting under them, shall be entitled to the protection afforded to justices of the peace and constables, under the one hundred and fiftieth and one hundred and fifty-first chapters of the revised statutes.

#### JUDICIAL DISTRICT COURTS.

Judicial districts, formation of.

96. The municipal corporation for each municipality shall, at its first meeting, or soon thereafter, divide the municipality into convenient judicial districts, which shall, if practicable, be so formed as not to divide any electoral district or any existing township, and shall appoint three judicial district commissioners for each of such judicial districts. The commissioners shall be qualified as is required for councillors, and before entering upon the duties of their office shall take and subscribe the oaths of allegiance, of office, and of qualification.

Commissions.

Office of commissioners, duration of.

97. The judicial district commissioners shall retain office for three years and no longer. At the end of that period the municipal corporation shall appoint a new board, but may re-elect two of the out-going officers. The corporation shall also supply occasional vacancies, arising from death, resignation, or otherwise.

No councillor to be a commissioner.

98. No commissioner shall at any time be chosen from among the councillors.

Authority of commissioners. Jurisdiction.

99. The commissioners shall have authority within their respective districts only. Their writs may extend over the whole muni-

cipality, but shall be returnable only within the district, and shall be directed and served as writs from justices are now served.

100. They shall have and exercise within their district the same jurisdiction over actions of contract, and for petty trespasses and assaults under the 147th chapter of the revised statutes, and for penalties for violation of the laws relating to the importation, manufacture, or sale of intoxicating liquors, and other penalties, and the same functions for the purposes of trial which justices of the peace may possess at the time the commissioners are appointed. No action shall be sustained unless at the time the writ issued either the plaintiff or defendant shall actually reside, or the cause of action shall have arisen within the judicial district.

One party must reside in district.

101. The commissioners shall meet at some convenient place to be named by the council, on the first Tuesday of every month, and may continue in session for two days, and no longer; causes not disposed of shall stand over; two commissioners shall form a quorum.

Meeting of commissioners, quorum, &c.

102. The commissioners shall have the same power to swear witnesses, and to try by jury, and the same authority as a court that justices now have; and appeal shall lie from their judgement, and in the same mode as it now lies from the judgment of justices.

Power to administer oaths.

Appeal.

103. The municipal corporation shall appoint a clerk for each judicial district, who shall take the oath of office before entering on his duties, and by whom and not by the commissioners the writ of mesne process and execution shall be issued; but the commissioners as well as the clerk may issue subpoenas for attendance of witnesses.

Clerk of district, appointment of.

104. Witnesses in cases before the court of judicial commissioners shall be entitled to the same fees for attendance, and subject to the same obligations to attend and give evidence, and liable to the same penalties for prevarication and for perjury as in causes at present within the jurisdiction of justices of the peace.

Witnesses.

105. After the court of judicial commissioners shall come into operation, the power of justices of the peace, to the extent of the jurisdiction of the judicial commissioners, shall cease.

Power of justices of peace to cease, when.

106. The same fees which in the revised statutes, chapter 154, under the head "magistrates' courts," are distinguished as justices' fees, constables' fees, witnesses' fees, and jurors' fees, or under any other acts in force relating to such fees, shall be paid upon suits before commissioners; but the fees distinguished as justices' fees shall be received by the commissioners' clerk and paid to the county treasurer.

Fees.

107. The commissioners shall be paid according to the actual attendance in court, such amount, and the clerk by such allowance, as the municipal corporation shall appoint, and the remuneration of the commissioners and clerk shall not in any thing be made to have relation to or be dependent upon the number of writs issued or judgments obtained, or the amount of fees collected, and neither the commissioners nor the clerk shall, on any pretence, derive any emolument from their office beyond such allowance. No commis-

Commissioners salary.

No commissioner or clerk shall be directly or indirectly employed, or professionally concerned as counsel, attorney, solicitor, proctor, or advocate, for any party in any matter pending or to be brought before the court of which he is commissioner or clerk.

Bye-laws.

108. Municipal corporations shall make bye-laws for enforcing a correct and regular account of the writs issued, trials had, judgments entered, and costs incurred in such judicial district courts, and of the fees paid to the county treasurer; and shall annually, on or about the thirty-first day of December, make a return thereof to the governor, to be submitted to the legislature.

Powers, protection, &c. of justices of the peace transferred to commissioners.

109. The powers and authority which, in the revised statutes, chapters one hundred and thirty-one, one hundred and forty-seven, one hundred and fifty-four, or by any other law now in force in amendment thereof are given to justices of the peace, are transferred and given to the judicial district commissioners within their respective districts; and they and the officers executing their process, shall be entitled to the same protection, under the one hundred and fifty and one hundred and fifty-first chapters of the revised statutes, as justices of the peace and constables in the like cases are now entitled to.

### SCHEDULE OF OATHS.

OATH OF OFFICE, TO BE TAKEN BY ALL PERSONS APPOINTED TO ANY OFFICE OR DUTY UNDER THIS ACT, FOR WHICH NO OATH OF OFFICE IS SPECIALLY PROVIDED.

I, A B, do solemnly swear (or affirm, where the party is entitled to affirm,) that I will truly, faithfully, and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office as presiding officer, or clerk at the elections, or warden, councillor, county clerk, &c., &c., as the case may be,) to which I have been elected (or appointed) in this municipality, and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality, or malversation, or other undue execution of the said office.

So help me God.

OATH OF OFFICE FOR THE AUDITORS.

I, A B, do solemnly swear (or affirm, when the party is entitled to affirm,) that I will faithfully and impartially, to the best of my knowledge and ability, execute the office of auditor, to which I have been appointed in this municipality, and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation, or other undue execution of the said office; and that I have not, during the time preceding my appointment to the said office of auditor, and that I have not since had, and that I have not now, directly or in-

directly, any share or interest whatever in any contract or employment, with, by, or on behalf of the municipal corporation of  
So help me God.

OATH OF QUALIFICATION.

I, A B, do swear (or affirm) that I am a natural born (or naturalised) subject of her majesty, and that I am by law qualified to be elected to the office of \_\_\_\_\_, in the municipality of \_\_\_\_\_, according to the true intent of an act passed in the eighteenth year of her majesty's reign, entitled, an act for the municipal government of counties, and that a correct account, to the best of my knowledge and belief, of the property in respect whereof I claim to be so qualified, is contained in the schedule hereunto annexed.  
So help me God.

SCHEDULE A.

COUNTY OF KING'S.

Each electoral district shall return two councillors, except the Aylesford district, which shall return four councillors.

COUNTY OF QUEEN'S.

Three councillors to be returned for electoral district number one.

CHAPTER 50.

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

[Passed the 4th day of April, 1855.]

MAY IT PLEASE YOUR EXCELLENCY :

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

Be it enacted by the governor, council, and assembly, as follows :

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

Two hundred pounds to the speaker of the house of assembly, £200 speaker. for his salary as speaker for the present year.

Two hundred pounds to the clerk of the house of assembly, for 200 clerk H. A. his services for the same year.

- £25 chaplain. Twenty-five pounds to the chaplain of the house of assembly, for his services during the present session.
- 100 asst. clerk. One hundred pounds to the clerk assistant of the house of assembly, for his services for the same session.
- 50 sergeant at arms. Fifty pounds to the sergeant at arms to the house of assembly, for his services for the same session.
- 30 asst. sergt. at arms. Thirty pounds to the assistant sergeant at arms to the house of assembly, for his services for the same session.
- 40 messenger of governor. Forty pounds to the messenger of the governor, and the executive and legislative councils, for his services for the present year.
- 30 John Fitzgerald. Thirty pounds to John Fitzgerald, for his services as messenger to the house of assembly during the present session.
- 80 clerk of board of revenue. Eighty pounds to the clerk of the board of revenue, for his services during the present year.
- Allowance to waiters. Such sum, to be paid on the certificate of the board of revenue, as may be sufficient to pay at the rate of seven shillings and six pence per day, to such persons as shall be employed by the receiver general as extra waiters for the port of Halifax, during the present year; five shillings a day to such extra waiters when unemployed, and at the rate of five shillings a day to temporary waiters.
- 300 gauger and weigher. Three hundred pounds to such persons as the governor shall appoint to discharge the duties heretofore performed by the gauger, weigher, and proof officer, for the port of Halifax.
- 60 keeper of assembly. Sixty pounds to the keeper of the assembly house, council chamber, and law library, for the present year.
- 400 Sable Isld. Four hundred pounds to be at the disposal of the governor, for the support of the establishment at Sable Island for the present year.
- 50 packet, Guysborough. Fifty pounds to such persons as will run a proper packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under the regulations of the sessions of the counties of Guysborough and Richmond, to be paid on the certificate of such sessions that the packet has been properly kept and run during the present year: provided that the judges of the supreme court shall be taken without charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their circuit to Cape Breton, and that the packet shall also carry the mail between Guysborough and Arichat, if required.
- 20 ferry, Douglas. Twenty pounds to aid the inhabitants of Douglas, at the mouth of the river Shubenacadie, in supporting a suitable boat or scow to run between Londonderry and that place, such boat or scow to be under the regulations of the sessions for the county of Hants, to be paid upon the certificates of three justices of the peace residing in Douglas, that such boat has been running at least twice a week for six months, to their satisfaction, under such regulations.
- 10 ferrymen, Shubenacadie. Ten pounds each to the two licenced ferrymen at the mouth of the Shubenacadie, in the counties of Colchester and Hants, for the transportation of horses and carriages across that river, to be paid on the certificate of the general or a special sessions of each county,

respectively, that such ferry has been duly attended, and proper boats procured and used.

Ten pounds each to Joseph Pernette and Charles Pernette, for <sup>£10</sup> J. Pernette keeping up the ferry over LaHave River.

Ten pounds to Cornelius Craig, to enable him to keep up a ferry <sup>10 C. Craig.</sup> across the Narrows at the entrance of Sable River, in the county of Shelburne, under the regulations of the sessions, and to be paid on their certificate.

Ten pounds to Alexander McGuire, or such other person as shall <sup>10 A. McGuire.</sup> run a ferry boat or scow between Carter's Landing, on the western side of the Strait of Canso, and Alexander McPherson's, on the eastern side thereof, to be paid on the certificate of the sessions for the county of Guysborough that such boat or scow has been provided and run under their regulations, and to their satisfaction.

Ten pounds to Alexander McPherson, to enable him to run a <sup>10 A. McPherson.</sup> suitable ferry boat or scow between his landing, on the eastern side <sup>son.</sup> of the Strait of Canso, and John Carter's, on the western side thereof—to be paid on the certificate of the sessions for the county of Richmond, that such boat or scow has been provided and run under their regulations, and to their satisfaction.

Ten pounds each, to such two persons as shall respectively keep <sup>20</sup> ferry, Port L'Herbert. <sup>L'Herbert.</sup> up a ferry at the mouth of the harbor of Port L'Herbert—provided a boat be kept to convey horses and cattle across the harbor—to be paid on the certificate of the sessions for the county of Shelburne, that such boat has been properly kept and run under their regulations.

Ten pounds to Duncan McPhee, to enable him to maintain a fer- <sup>10 D. McPhee.</sup> ry between Low Point and the Sydney Mines, at the mouth of Spanish River, in the county of Cape Breton—to be paid on the certificate of three of the justices of the peace for the county of Cape Breton, that he has faithfully discharged the duties assigned him by the sessions.

Fifteen pounds to William Cunningham and John Knowles, or <sup>15 W. Cunningham.</sup> such persons as shall keep a ferry across the Narrows of the pas- <sup>ham.</sup> sage between Cape Sable Island and the Main—such persons being furnished with suitable boats for the accommodation of passengers—to be paid on the certificate of the sessions for Shelburne, that such boats have been properly kept and run under their regulations.

Fifteen pounds to aid in maintaining a ferry, during the present <sup>15</sup> ferry, Am- <sup>herst.</sup> year, between Amherst and Minudie—such ferry to be under the regulations of the sessions for the county of Cumberland—and the foregoing sum to be paid on their certificate, that the same has been conducted to their satisfaction.

Ten pounds each to the two licensed ferrymen at the mouth of <sup>10</sup> ferrymen, <sup>Grandique River.</sup> the Grandique River, in the county of Richmond—to be paid on the certificate of the sessions of the county, that the work has been faithfully performed, and the public properly accommodated.

- 20 ferries, Sheet Harbor, &c. Twenty pounds to be at the disposal of the governor to provide for the maintenance of ferries across Sheet Harbour and the mouth of the North West Arm, in the county of Halifax.
- 5 ferry, Liscomb's Harbor. Five pounds each to such two persons, one on each side of Liscomb's Harbor, in the county of Guysborough, as shall maintain a ferry across the harbour during the present year, to be paid on the certificate of three justices of the peace for the county, that suitable boats have been provided, that the ferry has been conducted under the regulations of the sessions, and that the public have been properly accommodated.
- 5 John Leary. Five pounds to John Leary, the ferryman at Basin Gut, Sambro, in the county of Halifax.
- 10 ferrymen, Big Harbor. Ten pounds each to the two ferrymen at Big Harbour, Bras d'Or Lake, in the county of Victoria—to be paid on the certificate of the sessions, that the ferry has been properly kept up for the accommodation of the public.
- 7 10s C. Smith. Seven pounds and ten shillings to Charles Smith, to enable him to keep a ferry over Necum Teuch River, Eastern Shore, in the county of Halifax.
- 7 10s ferry, Liscomb Harbor. Seven pounds and ten shillings to aid in establishing a ferry during the present year over Liscomb Harbour, opposite the highway at Clare Head, in the county of Guysborough—such ferry to be under the regulations of the sessions, and the amount to be paid on their certificate that the same has been conducted to their satisfaction.
- 5 ferryman, Bear River. Five pounds to the ferryman at Bear River.
- 25 packet, Horton. Twenty-five pounds in aid of the packet between Horton and Parrsborough, and between Windsor and Parrsborough—such packet to make two trips each week, and to carry the mails.
- 25 W. Chappel. Twenty-five pounds to William Chappel, to encourage him to run a packet between the Bay Verte and Charlottetown: provided such packet shall run, at least, once a week, from the first day of May until the first day of November, under the regulations of the sessions for Cumberland.
- 375 steamboat between Halifax and Newfoundland. Three hundred and seventy-five pounds to such person as shall run a suitable steam boat between Halifax and St. John's, Newfoundland, touching at Cape Breton going and returning, to be paid when it shall appear to the governor in council that the service has been properly discharged.
- 2 10s each, ferrymen at the Grand Passage. Two pounds and ten shillings each, to two ferrymen, one on each side of the Petite Passage; and five pounds to the ferrymen at the Grand Passage, in the county of Digby—to be paid on the certificate of three justices of the peace for the county, that suitable boats have been provided; that the respective ferries have been conducted under the regulation of the sessions; and that the public have been properly accommodated.
- 6 John Young. Five pounds to John Young, of Lingan, in the county of Cape Breton, to enable him to keep a ferry across the passage between Lingan and Bridgeport.

Five pounds to be at the disposal of the governor, to be applied <sup>£5 ferry, St.</sup> in keeping up a ferry across St. Ann's Harbor, in the county of <sup>Ann's.</sup> Victoria.

Five pounds to be at the disposal of the governor, for a ferry <sup>5 ferry, Mar-</sup> across Margaree River, in the county of Inverness. <sup>garee.</sup>

Five pounds to be at the disposal of the governor, to be applied <sup>5 ferry, Grand</sup> in maintaining a ferry at the Grand Narrows, in the county of <sup>Narrows.</sup> Cape Breton.

Five pounds to be at the disposal of the governor, for keeping up <sup>5 ferry, North</sup> the ferry between the North Bar and the town of Sydney, in the <sup>Bar.</sup> county of Cape Breton.

Seven pounds and ten shillings, to be at the disposal of the gover- <sup>7 10s ferry,</sup> nor, to establish a ferry across the entrance of the Great Bras d'Or, <sup>Great Brasd'Or</sup> in the county of Victoria.

Five pounds in aid of the ferry across Pugwash Harbor.

Two hundred pounds to be at the disposal of the governor, to aid <sup>5 ferry, Pug-</sup> in running a steam boat between Pictou and Prince Edward's Is- <sup>wash.</sup> land, and to carry the mails; to be drawn and applied when it shall <sup>200 steamer be-</sup> appear to the governor in council that an equal sum for the same <sup>tween Pictou &</sup> purpose has been granted by the legislature of Prince Edward Is- <sup>P. E. Island.</sup> land.

Thirty pounds to aid the inhabitants of Cape Breton in support- <sup>30 ferry, Cape</sup> ing a suitable boat or scow to run between McMillan's Point, in <sup>Breton.</sup> Cape Breton, and Auld's Cove, in the county of Sydney, such boat or scow to be placed under the regulations of the superintendent of the main road, and the sessions for the county of Inverness.

Ten pounds to aid in establishing a ferry, during the present <sup>10 ferry, Ship</sup> year, between Milford and Ship Harbour, in the county of Guys- <sup>Harbor.</sup> borough, and to aid in providing suitable boats for the purpose—such ferry to be under the regulations of the sessions, and the amount to be paid on their certificate that the same has been conducted to their satisfaction.

Fifty pounds to the Honorable Doctor Grigor and his associates, <sup>50 Dr. Grigor.</sup> in aid of the Halifax dispensary for the present year, provided they keep during the year a sufficient quantity of vaccine matter.

Twenty-five pounds to the commissioners of the poor, in Halifax, <sup>25 commission-</sup> to defray the expense of continuing the school in the poor house, <sup>ers of poor.</sup> for the present year, for the benefit of orphans and poor children in that establishment.

Three hundred pounds, to be at the disposal of the governor, for <sup>300 Indians.</sup> the benefit of the Indians, for the present year.

Eighty pounds, sterling, to the clerk of the crown in the supreme <sup>80 stg. clerk of</sup> court of this province, for his services for the present year. <sup>crown.</sup>

Nine hundred pounds, to be at the disposal of the governor, to <sup>900 controllers.</sup> pay a sum not exceeding twenty pounds each, for their services during the present year, to the controllers at the different ports; and such further sum as shall be required to pay, at the same rate, such other controllers as may be appointed during the present year.

200 seizing officers. A sum, not to exceed two hundred pounds, to be at the disposal of the governor, to be appropriated in paying seizing officers in various parts of the province, for more effectually protecting the revenues; provided no such officer shall receive more than fifteen pounds.

20 chairmen of committees. Twenty pounds each to the two chairmen of the committee of bills and supply, for their services for the present session.

100 each clerk and clerk assistant of H. A. One hundred pounds each to the clerk and clerk assistant of the house of assembly, for their extra services during the present session.

13 G. R. Grassie. Thirteen pounds to George R. Grassie, esquire, sergeant at arms to the house of assembly, in addition to his salary for the present session.

100 visiting dispensary. One hundred pounds to the governors and trustees of the Halifax visiting dispensary, to aid them in carrying on their operations during the present year, pursuant to the report of the committee on that subject.

50 house of refuge. Fifty pounds to the managers of the house of refuge in Halifax, to assist them in carrying out their humane intentions, pursuant to the report of the committee on that subject.

35 @12s 7d. return of duties. Thirty-five pounds twelve shillings and seven pence to be paid to the following persons, being a return of duties paid by them on machinery imported, pursuant to the report of the committee on trade :

David Scott,	£10	18	9
Heustis & Moulton,	9	7	6
John Harris,	7	8	0
Samuel Archibald,	2	19	4
Silas Bishop,	3	0	0
S. A. Lusby,	1	19	0

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£35 12 7

10 15s 3d. return of duties. Ten pounds fifteen shillings and three pence to be paid to the following persons, for duties paid by them on Canada flour imported by way of the United States, pursuant to the report of the same committee:

James Gilliat,	£7	13	9
J. E. Crane,	1	2	6
Henry Brown,	1	19	0

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£10 15 3

4 1s 3d. James Gayton. Four pounds one shilling and three pence to James Gayton, for return of duties on flour imported by him, pursuant to the report of the same committee.

12 10s. T. Killam. Twelve pounds ten shillings to Thomas Killam, for return of duties paid on rigging saved from a ship owned by him, wrecked at Grand Manan, pursuant to the report of the same committee.

25 8s 9d. B. Wier & Co. Twenty-five pounds eight shillings and nine pence to Messrs. B. Wier and Company, for drawback on a quantity of goods exported

by them to the United States, pursuant to the report of the same committee.

Fourteen shillings to W. B. Bent, for light duties paid on a vessel wrecked on her first voyage, pursuant to the report of the same committee. 14s W. B. Bent

Three hundred pounds, to be paid in equal proportions, to Angus McDonald, Edward Lippencott, and James Grant, to aid them in their respective establishments for the manufacture of cloth within this province, pursuant to the report of the same committee. 300 cloth estab; lishments.

One hundred and eighty-six pounds eleven shillings and one penny, to be paid to the following persons for return of duties paid by them respectively on printing paper imported and consumed within the province during the past year, pursuant to the report of the same committee: 186 11s 1d. re- turn of duties on paper.

William Gossip,	£4 11 2
James Barnes,	7 4 8
Publishers of Provincial Wesleyan,	17 12 2
William Annand,	22 10 0
James Bowes & Son,	12 1 10
English & Blackadar,	8 2 1
A. Lawson,	3 14 7
J. H. Crosskill,	13 0 5
Richard Nugent,	48 15 10
Estate of John Ferguson,	10 5 1
E. McDonald,	8 3 9
Alpin Grant,	15 10 2
J. & W. Compton,	11 19 9
A. J. Ritchie,	2 19 7

£186 11 1

Fifteen pounds two shillings and two pence, to Abraham Whitman, of Canso, for supplies furnished by him to shipwrecked seamen belonging to the brigantine "Resolution," on his complying with the requisitions contained in the report of the committee upon shipwrecked seamen. 15 2s 2d. Abra- ham Whitman.

Ten pounds ten shillings to David Scott, of Sydney, for board and lodging furnished to wrecked seamen of the barque Harriet, pursuant to the report of the same committee. 10 10s D. Scott.

Seventeen pounds five shillings to Peter Hall Clarke, for services rendered to the wrecked passengers of the barque Tottenham, pursuant to the report of the same committee. 17 5s. P. H. Clarke.

Ten pounds to George Merry, to assist him in keeping a house of entertainment for travellers on the road between Annapolis and Liverpool. 10 Geo. Merry.

Ten pounds to Edward Kennedy, to mark the approval by the legislature of his exertions in rescuing the crew of the brig "Foot- ing," wrecked at Bauline in December 1854, pursuant to the report of the committee on that subject. 10 E. Kennedy.

64 15s 10d. A. M<sup>c</sup>Kenzie. Sixty-four pounds fifteen shillings and ten pence to Adam M<sup>c</sup>Kenzie, commissioner of great roads, to reimburse to him the costs incurred in defending an action instituted by the telegraph company against him for removing certain posts from the highway, pursuant to the report of the committee on that subject.

693 16s 9d. Printing.

Six hundred and ninety-three pounds sixteen shillings and nine pence, to be at the disposal of the governor, to defray the amount still due for public printing, pursuant to the report of the committee on that subject:

The Queen's Printer,	£345	10	11
Richard Nugent,	112	11	4
Christian Messenger Office,	6	10	0
James Barnes,	5	18	0
S. J. M. Allen,	12	2	3
English & Blackadar,	13	0	0
W. A. Penny,	18	12	4
W. Gossip,	7	2	0
Provincial Wesleyan Office,	14	17	0
J. Boyd,	10	13	2
J. & W. Compton,	15	3	9
E. M. McDonald,	14	5	0
A. Lawson,	11	3	9
Morning Chronicle Office,	30	17	3
A. Grant,	24	0	9
British North American Office,	34	4	3
James P. Ward,	17	5	0

£693 16 9

69 3s. railway survey.

Sixty-nine pounds three shillings, to be at the disposal of the governor, to pay certain expenses connected with the survey of a line of railway from Halifax towards Quebec, in 1846, pursuant to the report of the committee on that subject, to be distributed as follows:

To William Logan,	£41	0	0
John Ross,	9	3	0
Henrietta Stephens,	19	0	0

£69 . 3 0

10 B. K. Dodge Ten pounds to Benjamin K. Dodge, for his former services in vaccinating Indians and supplying them with medicines, pursuant to the report of the committee on that subject.

10 Drs. Anderson & Johnston. Ten pounds to Doctors Anderson and Johnston, health officers of the port of Pictou, in full for services performed under direction of the board of health in 1853.

150 to repay advances to wives, &c., of soldiers. One hundred and fifty pounds, to be at the disposal of the governor, to repay advances made and to be made for the relief of the wives and children, widows and orphans of soldiers on active service in the east.

Three hundred and sixty-seven pounds seventeen shillings and six pence, to be at the disposal of the governor, to pay for reporting and publishing the proceedings of the house of assembly, to be applied under the direction of a committee to be appointed for that purpose. 367 17s 6d. reporting and publishing debates.

One thousand two hundred pounds, to be at the disposal of the governor, to be applied in defraying the expenses of the penitentiary for the present year. 1200 penitentiary.

Two thousand pounds, sterling, to be at the disposal of the governor, to be remitted to the committee in charge of the patriotic fund in London, to be applied to the relief, education, and support of the widows and orphans of those soldiers, sailors, and marines, who may have fallen, or may hereafter fall in battle, or die on active service during the present war. 2000 sterling patriotic fund.

Forty-five thousand pounds for the road and bridge service; thirty-two thousand pounds thereof for the ordinary road and bridge service for the present year; and a further sum of ten thousand pounds for the great road service for the same year; and a further sum of three thousand pounds for special road and bridge service for the same year. 45000 roads and bridges.

Two hundred pounds, to be at the disposal of the governor, to be applied and expended upon the roads on the north and south sides of the Mire river, between the mouth of the river and Grand Mire, in accordance with the terms of the report of the committee upon the petition of Donald McLeod and other inhabitants of that district, and as a final settlement of their claims. 200 roads, Mire river.

Twenty-four pounds and five shillings to James Churchill, of Yarmouth, in addition to the sum of five pounds fifteen shillings, now in the hands of Thomas Killam, esquire, for his benefit, as a compensation for land taken from him for a road, pursuant to the report of the committee on road damages. 24 5s. road damages.

Fifty-five pounds and four shillings, to be at the disposal of the governor, to pay fifty-four pounds to Norman McDonnell, John Flemming, and Joseph Marsh, of Boulardrie, for damages for a road through their lands; and one pound four shillings to Stephen Curry, John McLeod, and Charles McDonald, for their services in laying out the road, to be distributed pursuant to the report of the same committee. 55 4s. road damages.

One hundred pounds, to be at the disposal of the governor, to purchase seed for distribution among the colored population in the counties of Hants, Queens, Yarmouth, Guysborough, Annapolis, Sydney, Shelburne, Digby, Kings, and Cumberland, to the amount of ten pounds in each county. 100 colored population ten counties.

One hundred pounds, at the disposal of the governor, to be expended in affording relief to the colored population in the county of Halifax, by purchasing seed or provisions, as circumstances may require. 100 do Halifax.

Four hundred and sixty pounds, sterling, for the salaries of the clerks in the provincial secretary's office, for the present year, to be appropriated and applied by the provincial secretary. 460 stg. clerks pro. sec. office.

100 stg. contin-  
gencies of do.

One hundred pounds, sterling, for stationery and other contingencies of the provincial secretary's office, for the present year; the expenditure to be accounted for at the next session of the general assembly.

100 decisions of  
supreme court.

One hundred pounds, per annum, to be at the disposal of the governor, to be expended in providing for the reporting and publication of the decisions of the supreme court.

10 stg., fuel, &c.  
admiralty court

Ten pounds, sterling, to the judge of the vice admiralty, for fuel and crier of the court for the present year.

100 breakwa-  
ter, Annapolis.

One hundred pounds, to be at the disposal of the governor, to aid the inhabitants of Gates' Cove, Wilmot, county of Annapolis, in defraying a large expenditure incurred by them during the past year in securing and extending the breakwater at that place, pursuant to the report of the committee on navigation securities.

80 do.

Eighty pounds, to be at the disposal of the governor, in aid of Troop's Cove Breakwater, in the county of Annapolis, recommended by the committee on navigation securities in 1853, and omitted to be moved in committee of supply in that year, upon the same terms and conditions as the other grants to breakwaters in that year.

20 public slip,  
Digby.

Twenty pounds to further extend and improve the public slip or landing at Digby, to be paid when it shall be certified by the sessions that the sum has been actually expended.

Grants for  
breakwaters, &c

The following sums, to be at the disposal of the governor, to be expended in aid of the several services specified as under, upon the conditions (unless otherwise herein directed) that no such sums shall be drawn from the treasury until it shall appear to the governor in council that the parties interested in or applying for aid to any such work have subscribed and expended thereon, since the passing of the grant, at least double the amount so granted in addition to such grant, so that the whole sum expended on such works, respectively, shall amount to three times the sum so granted, and that in the expenditure of such subscriptions, and of the grant hereby made, there shall not be paid for laborers at a higher rate than five shillings per day, nor for teams at a higher rate than is allowed in employing labor on the highways, and also in the case of breakwaters, piers, and wharves, that the site thereof has been conveyed for the use of the public:

Breakwater at Pleasant Cove, Digby,	£100	0	0
Do Canady Creek, King's,	100	0	0
Do Chute's Cove, Annapolis,	75	0	0
Do and public wharf at mouth of Windsor River, King's,	£25	0	0
Do Baxter's Harbor, King's,	100	0	0
Do Hall's Harbor, King's,	100	0	0
Do French Cross, King's,	200	0	0
Do Hunt's Point, Queen's,	60	0	0
Do Belleveau Cove, Digby,	100	0	0
Do Ogilvie Brook, King's,	100	0	0

Do	Little River, Sydney,	100	0	0
Do	Groscoque, Digby,	100	0	0
Do	Gates' Cove, Annapolis,	150	0	0
Do	Trout Cove, Digby, not to exceed	200	0	0
Improvement of	Tracadie Harbor, Sydney,	100	0	0
Public Slip, Broad Cove, Inverness,		50	0	0
Pier at Arisaig, Sydney, on condition of £200 being raised and expended,		200	0	0
Breakwater and clearing entrance of harbor at Margaree, Inverness, on condition of £200 being raised and expended,		200	0	0
Clearing and deepening Wood's Harbor, Shelburne,		25	0	0
Opening channel at the haulover between Whitehead Harbor, and Molasses Harbor, Guysborough,		25	0	0
Clearing obstructions and improving River Roseway, Shelburne,		25	0	0
Clearing obstructions Tusket River, Yarmouth, not to exceed		50	0	0
Clearing Annapolis River, between Bridgetown and Annapolis,		25	0	0

One thousand pounds, to be at the disposal of the governor, for <sup>1000</sup> light houses the purpose of having erected during the present year, or so soon <sup>as</sup> as the necessary arrangements can be made for so doing, light houses at the following places :

A light house at the entrance of the harbor of Liverpool, in the county of Queens.

A light house on the north side of Lingan Harbor, on Little Head, county of Cape Breton.

A light house on Wedge Island, near the entrance of Saint Mary's River, or in the vicinity, as may be deemed most advisable by the board of works.

A light house at Burntcoat Head, in Maitland, county of Hants, or at some point on the northern side of Colchester bay, to be selected by the board of works after due investigation and examination.

The following sums, to be paid to the several parties named as <sup>Grants to ferries.</sup> under, in aid of the respective ferries specified, pursuant to the report of the committee on navigation securities :

To Jacob Knaufft, ferryman, St. Mary's River, for 1853,	£5	0	0
To the two ferrymen at same place, for this year, £5 each,	10	0	0
To aid ferry across entrance of Southern Bay, Ingonishe, Victoria,	7	10	0
To aid ferry Grand Passage, Digby, additional grant,	5	0	0
Do Petit Passage, Digby, additional grant to ferrymen, £2 10s. each,	5	0	0
Do at Gut of Mire River,	5	0	0
Do to aid in procuring boat at ditto,	2	10	0

Do	at Little Bras d'Or, Cape Breton,	10	0	0
Do	Sydney River, Cape Breton,	5	0	0
Do	Tusket River, Yarmouth, £3 to Ferry- men on each side,	6	0	0
Do	ferry Grand Narrows, Cape Breton, in addition to previous grant of £5, (£4 to ferryman on each side,)	3	0	0
Do	Pubnico Harbor, Yarmouth,	5	0	0
Do	mouth of Ship Harbor, Halifax,	8	0	0

5 D. McKinnon Five pounds to Donald McKinnon to remunerate him for carry-  
ing the mails across Pugwash Harbor in 1852 and 1853.

10 E. Crowell. Ten pounds to Edmund Crowell, of Seal Islands, in the county  
of Yarmouth, in addition to the sum already granted for keeping  
the establishment on the Islands, in order to enable him to procure  
further assistance.

20 W. & N.  
Goodwin. Twenty pounds to William Goodwin and Noah Goodwin, resi-  
dents upon Mud Islands, county of Yarmouth, to enable them to  
provide and keep efficient boats, and otherwise render assistance to  
shipwrecked mariners, to be paid on certificate of the sessions that  
the boats are provided and kept, and the duty performed.

150 steamboat,  
Bras d'Or. One hundred and fifty pounds, to be at the disposal of the gov-  
ernor, to be paid to any person who will run a suitable steam boat,  
from Sydney through the Bras d'Or Lake to Baddeck, once a  
week, and in the interval to ply as a passage boat regularly be-  
tween Sydney and the North Bar.

225 12s 2d.  
transient pau-  
pers. Two hundred and twenty-five pounds twelve shillings and two  
pence to defray the several amounts following, pursuant to the  
report of the committee on the subject of expenses incurred for the  
support of transient paupers :

To the overseers of the township of Annapolis, No. 1,	£19	13	9
Do. do. Granville,	9	0	0
Do. do. Clements,	17	0	0
Do. do. Falmouth,	2	1	3
Do. do. Wallace,	16	10	1
Do. do. Barrington,	6	10	0
Do. do. Maxwellton, Pictou,	1	12	6
Do. do. Shelburne,	2	1	6

To the overseers of Pictou, 1st section :

For Nancy White,	7	8	11
Peggy Berrigan,	3	17	10
Passage to P. E. Island of three wrecked sailors,	1	11	3
	<hr/>		
	12	18	0

To the overseers of St. Andrew's, Sydney county,	18	12	0
Do. Pugwash,	£4	14	10
Dr. Creed,	2	4	6
	<hr/>		
	6	19	4

To the overseers of the township of Liverpool,		27	17	8	
Do.	do.	Digby, district No. 1,	1	0	0
Do.	do.	Dorchester, Sydney co.	7	1	5
To the overseers of the township of Horton :					
For Thomas Lemon,		£16	9	4	
David Poor,		2	2	4	
Doctor Brown,		2	0	0	
					20 11 8
To the overseers of the township of Annapolis, (R. hill),			3	18	10
Do.	do.	Cornwallis,	13	0	0
Do.	do.	Shubenacadie and } Stewiacke,	1	15	0
To the overseers of the township of Pictou, 4th section :					
For Widow Hunter,			6	17	6
To Dr. Madden, Arichat, in full for at- tendance to John Nowlan,	}	6	0	0	
To Dr. Madden, Arichat, in full for at- tendance to Eliza McLean,		2	2	6	8 2 6
To Eliza Walker, Arichat, for Thomas Jones, 1853,			5	0	0
The board of health, Yarmouth,		12	9	2	
Do.	for Dr. Farish,	5	0	0	
					17 9 0
					£225 12 2

Two thousand pounds to the commissioners of the poor in Halifax, for the support of the transient paupers for the present year. 2000 commissrs. of poor.

Ninety-nine pounds sixteen shillings and seven pence, to be at the disposal of the governor, to defray the several amounts recommended to be paid by a special committee for expences connected with the enquiry instituted by the government as to the lunacy of Nicholas H. Martin. 99 16s 7d. expences of enquiry in N. H. Martin's case.

One hundred and eighty-one pounds three shillings and eleven pence to John H. Crosskill, being the full balance claimed by him upon his accounts while he held the office of queen's printer. 181 3s 11d. J. H. Crosskill.

Seventy-five pounds to the following persons, to be expended in the support and education of their respective deaf, dumb, or blind children, to be drawn when satisfactory evidence shall be given to the governor in council that the amount has been so expended: 75 deaf and dumb children.

Sarah Kelly, a deaf and dumb child,	£25	0	0
John Barnaby, do.	25	0	0
Donald Ross, two blind children,	25	0	0

£75 0 0

Twenty-five pounds to Mrs. Knowles, widow of the late Samuel Knowles, who was drowned while in the performance of his duty as a ferryman at Barrington. 25 Mrs. Knowles.

Fifty-nine pounds seventeen shillings and six pence to the attorney general, for advances made by him during the past year for the public service. 59 17s 6d. attorney general.

- Collegiate and academe- The allowances now made to the collegiate and academe-  
dical institu- tions, including king's college, Windsor, shall be continued  
tions. under the existing regulations for one year only.
- 250 wesleyan Two hundred and fifty pounds, to be paid by quarterly instal-  
academy. ments, to the board of managers of the Wesleyan academy at Sack-  
ville for the present year, upon the same terms as those imposed  
upon grants to similar institutions in the year 1845.
- 250 educational Two hundred and fifty pounds, to be paid by quarterly instal-  
institution, Ari- ments, to the roman catholic episcopal corporation of Arichat, in  
chat. aid of the educational institution connected with that body at  
Antigonishe, upon the same terms as those imposed upon grants to  
similar institutions in the year 1845.
- 50 infant school Fifty pounds to be paid to the managers of the infant school at  
Halifax, in support of that institution during the present year.
- 65 18s 6d. trus- Sixty-five pounds eighteen shillings and six pence to be paid to  
tees of school, Alexander Hore and James Nichol, trustees of the school at  
Sydney. Sydney, to reimburse them for expences incurred in defraying a  
suit relating to the affairs of the school, under the circumstances  
mentioned in the report of the committee on education.
- 700 normal A sum, not to exceed seven hundred pounds, to be at the dispo-  
school. sal of the commissioners of the Normal school at Truro, in aid of  
that institution. A sum not to exceed four hundred pounds thereof  
to enable them to purchase a field and dwelling house at Truro, in  
the vicinity of the site of the building for the purposes thereof,  
and the balance to be expended by the trustees in completing the  
building and purchasing the apparatus necessary to put the school  
in operation.
- 50 training and Fifty pounds to be paid to the committee of the training and mo-  
model school. del school society, to aid them in the support of that establishment.
- Education of Such sum, to be at the disposal of the governor, as will suffice  
Indians. to defray the expense of providing education for Indians, pursuant  
to the report of the committee on education.
- 40 revenue Forty pounds, to be at the disposal of the governor, to enable  
boat, C. Breton. him to continue a suitable revenue boat at Cape Breton.
- Advances, post- Such sum, to be at the disposal of the governor, as will be suffi-  
age. cient to repay the amount advanced from the treasury to defray the  
expense of postage of the public departments during the past year.
- 291 14s 3d. A. Two hundred and ninety-one pounds fourteen shillings and three  
& W. McKinlay pence to be paid to A. & W. McKinlay, in full of their account for  
stationery and binding for the house of assembly during the past  
year.
- 248 19s 4d. oik. Two hundred and eighty-four pounds nineteen shillings and four  
of assembly. pence, to be at the disposal of the clerk of the house of assembly,  
to defray the expenses of extra messengers and other services, and  
to pay for fuel and other articles for the house during the present  
session, pursuant to the report of the committee on contingencies.
- 910 0s 9d. ex- Nine hundred and ten pounds and nine pence, to be at the dis-  
penses legisla- posal of the governor, to defray the expenses of the legislative  
tive council. council for the present year.

Twenty-five pounds, to be at the disposal of the governor, to aid in maintaining a packet or ferry boat between Westport and Montegan, in the county of Digby. 25 packet; Westport and Montegan.

Four thousand two hundred and seventy-nine pounds nineteen shillings and two pence, to be paid to the board of works, to defray the balance of expenditure incurred by them during the last year. 4,279 19s 2d. board of works.

A sum not to exceed two thousand two hundred and fifty pounds, to be at the disposal of the board of works, in addition to the sum already expended by them, to defray the expense of repairing the damage to government house occasioned by fire; and a sum, not to exceed six hundred pounds, to be expended in erecting buildings for outhouses connected therewith, pursuant to the report of the committee on that subject. 2,250 repairs govermt. house

One thousand two hundred pounds, to be at the disposal of his excellency the lieutenant-governor, to be expended by him in replacing and improving, in a suitable manner, the furniture of government house, pursuant to the report of the committee on that subject. 1,200 furniture, govermt. house.

Eighteen pounds sixteen shillings and eight pence, to be at the disposal of the governor, to defray the expense of witnesses at the trial of Alexander McDonald, acquitted of the charge of murder, on the ground of insanity, pursuant to the report of the committee on that subject. 18 16s 8d. expenses A. McDonald.

Twelve pounds and ten shillings to David McCulloch, clerk in the financial secretary's office, extra allowance for the quarter ending thirty-first March. 12 10s. D. McCulloch.

Thirty five pounds four shillings and one penny, to W. H. Keating, chief clerk in the provincial secretary's office, being the amount of commissions upon fees collected by him at that office during the past year. 35 4s 1d. W. H. Keating.

Twenty pounds to James W. Nutting, Esquire, for labor performed by him in compiling a return for the use of the legislature, of all causes in which sales took place in the court of chancery, from 1835 to 1852, and also, six pounds in addition paid by him for transcribing the same. 20 J. W. Nutting.

A sum not to exceed thirty pounds, to be at the disposal of the governor, to pay for the alteration from flint to percussion of fifty rifles, for the use of the Pictou Volunteer Artillery Company. 30 to pay alteration in rifles.

One hundred and fifty pounds, to John H. Tory, contractor for building the bridge over Milford Haven river, in the county of Guysborough, in consideration of the heavy loss incurred by him in the execution of his contract. 150 J. H. Tory.

Twenty pounds in aid of a packet boat between Weymouth Bridge and Sandy Cove, County of Digby. 20 pckt., Weymouth bridge & Sandy Cove.

Ten pounds to the trustees of the school now established in the Pine Woods Settlement, (so called,) Cornwallis, for the purpose of educating the children of the colored population, in enabling them to pay the salary of the teacher, and in completing the school house erected for that purpose. 10 school at Pine Woods Settlement.

- 10 Ferry, Jordan River. Ten pounds in aid of a ferry across Jordan River, in the county Shelburne, to be equally divided between the ferrymen on each side of the river.
- 10 A. Fronton. Ten pounds to be paid to Anslem Fronton, of Clare, to indemnify him for expenses incurred in the execution of his duty as constable.
- Report of engineer on bridge at Bear River. Such sum as shall be found necessary to be at the disposal of the governor, to be expended in procuring an examination by a competent engineer of Bear River, with a view to the erection of a bridge, at such point, and in such manner as to affect the least possible obstruction to the navigation, together with a report, and the estimate of the cost for the information of the house, at its next session.
- 5 E. Meagher. Five pounds to Richard Meagher, to aid him in his necessities.
- 100 mail conveyance. One hundred pounds, in addition to four hundred pounds recommended by the report of the post office committee, to be paid for the conveyance of the mails across the Bay of Fundy, between Annapolis and Digby, and Saint John, and between Windsor and Saint John, New Brunswick, to be placed under the control of the post master general, with the express understanding that the sum is not to be expended unless the Province of New Brunswick provides an equal sum of five hundred pounds for the same service.
- 900 centl. board of agriculture. A sum not to exceed nine hundred pounds, to be at the disposal of the Central Board of Agriculture, to be applied at the rate of fifty pounds for each county, in manner prescribed by chapter 96 section 4, of the revised statutes.
- 200 ditto. Two hundred pounds to the Central Board of Agriculture, to be applied, one half in paying their officers, and such incidental expenses as shall be absolutely necessary, and the other half, with the balance in their hands, in such way as they shall deem best for promoting agricultural improvements.
- 5 £s. 2d. &c. J. P. Inglis. Five pounds eight shillings and two pence, together with four pounds eleven shillings and ten pence remaining from the grant of last year, for the purchase of stud horses, making ten pounds in all, to John P. Inglis, being amount of his account for services connected with such provincial stud horses, pursuant to the report of the committee on agriculture.
- 88 2s 6d. &c. expenses in purchase stud horses. Eighty-eight pounds two shillings and six pence, to be at the disposal of the governor, in addition to seventy-five pounds previously granted, to defray the expenses of the parties employed to select and import stud horses during the past year.
- 50 centl. board of agriculture. Fifty pounds, to be at the disposal of the Central Board of Agriculture, to be applied for the encouragement of the manufacture of bone manure.
- 1000 purchase of sheep. One thousand pounds, to be at the disposal of the governor, for the purpose of importing from Canada, the United States, or Prince Edward Island, sheep of the most approved breeds, to be distributed and sold under the direction of his excellency, pursuant to the report of the committee on agriculture.
- 150 Dawson's works on agriculture. One hundred and fifty pounds, to be at the disposal of the governor, for the purpose of procuring and distributing among the

agriculturists of the country, five thousand copies of Mr. Dawson's work on agriculture.

Eight hundred and ninety-seven pounds sixteen shillings and three pence, to be at the disposal of the Governor, to defray the following advances made from the Provincial Treasury :

E. Rushworth, salary as private secretary to the Lieutenant-Governor for December quarter, 1853,	£78	2	6
J. R. Forman, salary as government consulting engineer, to 31st March, 1854,	212	10	0
Captain Barry, for survey and report on St. Peter's Canal,	87	10	0
M. Halloran, for expenses of shipwrecked seamen of Newfoundland brought from St. Pierre,	6	14	0
Robert Malcom, for expense of monument to late Herbert Huntington, of Yarmouth,	120	0	0
American Consul, for supplies furnished to passengers of ship Staffordshire,	10	0	0
B. Langley, on account of expenses and attendance on provincial horse Norfolk,	35	4	6
S. Selden, to pay expenses of school specimens sent to London Education Exhibition,	9	8	6
J. S. Morris, pension as late commissioner of crown lands, for six months, ending 30th September, 1854,	150	0	0
Provincial Secretary, to repay expenses of witnesses from St. John, N. B., in criminal prosecution at Kentville,	10	5	6
Ditto ditto, paid passage of seamen of schr. Clydesdale, P. E. Island, foundered at sea,	2	0	0
W. H. Harris, for expenses of mission to Sydney, C. B., to report on imprisonment of N. H. Martin,	19	13	9
The committee of Nova Scotia Industrial Exhibition, to pay balance due by them,	130	0	0
Provincial Secretary, for passages of soldiers' wives and children from Halifax to Bermuda,	26	7	6

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£897 16 3

Thirty-five pounds and one shilling, to be at the disposal of the governor, to be applied as under, in payment of the following sums for services connected with the trial and imprisonment of Nicholas H. Martin, pursuant to the report of the committee on that subject.

The Solicitor General, for travelling fees,	£24	10	0
H. Hesslein, additional,	10	11	0

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£35 1 0

Five hundred pounds to the educational board of the presbyterian church of Nova Scotia, in full of their equitable claims to the buildings, apparatus, and library of the Pictou Academy, pursuant to the report of the committee on education.

500 educational board of presbyterian church

- 100 15s. B. Wier & Co. and Young & Hart. One hundred pounds and fifteen shillings, to be at the disposal of the governor, to defray the expense incurred by B. Wier & Co. and Messrs. Young & Hart, connected with passengers per barque Arcadia, pursuant to the report of the committee on that subject.
- 250 stg. private secretary. Such sum, to be at the disposal of the governor, as will provide for the remuneration of a private secretary for the present year, at the rate of two hundred and fifty pounds sterling, per annum, to be from the time of a private secretary being duly appointed.
- Members' pay. Such sum, to be at the disposal of the governor, as will enable him to pay every member of the house of assembly one pound per day, for his attendance in general assembly, up to the date of the adjournment thereof on the fourteenth day of December last.
- Legis. council pay. Such sum, to be at the disposal of the governor, as will enable him to pay every member of the legislative council one pound per day, for his attendance in general assembly to the same date.
- 207 assembly's expences. The sum of two hundred and seven pounds, to be at the disposal of the clerk of the house of assembly, to enable him to defray the expenses of the house of assembly, to the same date.
- 60 reporting. The sum of sixty pounds, to be at the disposal of the committee on reporting, to be applied in defraying the expenses incident to reporting the debates of the house of assembly, to the same date.
- 124 legis. council's expences. One hundred and twenty-four pounds, to be at the disposal of the clerk of the legislative council, to enable him to defray the contingent expenses of that branch of the legislature, to the same date.
- Legis. council pay. The sum of one pound per day to each member of the legislative council, for his attendance in parliament, with the same travelling fees as are received by members of the house of assembly; but no member shall be paid for more than forty days attendance in one session.
- Members' pay. One pound per day to each member of the house of assembly for the present session, to be paid on the certificate of the speaker—also, the travelling charges as heretofore; but no member shall receive pay for more than forty days attendance.
- Regulations respecting steam boats and packet boats. 2. The owners or agents of all steam boats and packet boats, and all ferrymen or owners of ferry boats shall, before receiving any grants made from the public revenues of this province, have performed a full year's service for which such grant is claimed, and shall have made a return to the government of the number of passengers, quantity of merchandize, cattle, horses, or other articles transported by their conveyances, the amount received for such service, and the number of times they have been obliged to cross and recross their respective ferries or routes, by the regulations of the sessions, or otherwise, during the year; which return shall be certified to the satisfaction of the governor. All persons receiving grants of money from the revenues of this province, for ferries, shall be obliged to convey her majesty's mails, and, before receiving their grants, shall procure and transmit to the financial secretary a certificate of the sessions for the county; or if such ferry be in operation between two counties, a certificate of the sessions of

both such counties that the service has been performed under their regulation and to their satisfaction.

3. If any of the bridges on the main post roads of this province shall be unexpectedly destroyed or obstructed by any accident or obstacle, the governor may order a commissioner to rebuild or repair such bridge, or to remove such obstructions, and may draw warrants on the treasury for the amount expended, in favor of such commissioner; but the whole amount so expended during the year shall not exceed one thousand pounds, and the respective sums so drawn shall be charged at the next session of the assembly as against the several counties in which the same shall have been expended. Casualty vote.

4. The members for the county of Pictou may arrange with the creditor for one hundred pounds borrowed on account of the bridge at Barney's River, and now due, to allow the same to remain unpaid for another year, and shall expend the same sum, along with a similar amount from the road monies of the county for the present year, in ballasting the bridge and finishing the road on both sides of the river. Members for Pictou may arrange sum borrowed on account of bridge at Barney's River.

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

County of Halifax,	£64	6	3
“ Halifax,	61	9	10
“ Colchester,	218	5	8
“ Annapolis,	40	10	0
“ Shelburne,	22	0	0
“ Yarmouth,	255	15	0
“ Cumberland,	10	8	6
“ Richmond,	12	0	0
“ Kings,	5	10	0

6. The sum of fifty pounds granted last session to aid in the construction of a breakwater at Short Beach, in the county of Yarmouth, shall be paid to the commissioners of that work, in consideration of the heavy expenditure made thereon, notwithstanding part of the expense was incurred before the grant was made. Breakwater at Short Beach.

7. The sum of one hundred and fifty pounds, being the first half year's salary of the assistant teachers of the Normal school, under section 3 of chapter 5 of the acts of 1854, shall be at the disposal of the governor, to be expended in publishing information on the subject of education, and in aid of pupils attending the institution during the first term. 150 first half-year's salary of assistant teacher of Normal school, to be expended in publishing information on education.

8. Out of the undrawn grammar school monies of the grammar school at Bridgetown, in the county of Annapolis, there shall be paid to William Shipley, the master of that school, twelve pounds ten shillings, for the half year's allowance, ending on the first of November last, and out of the undrawn grammar school Undrawn grammar school monies—how applied.

monies of the grammar school at Annapolis, there shall be paid to the trustees of the school twelve pounds ten shillings, to be expended in the purchase of apparatus and books for the use of the school.

Grammar school money, Barrington,—how expended.

9. Out of the grammar school monies of the district of Barrington, a sum not to exceed twenty pounds shall be at the disposal of the governor, to provide globes, maps, and apparatus, for the school in district number eight, pursuant to the report of the committee on education.

Unexpended grammar school money, Guysborough.

10. The sum of nineteen pounds three shillings and four pence, unexpended grammar school money in the district of Guysborough, for the year 1854, shall be expended by the commissioners of schools in that district, in the present year, in aid either of grammar or common schools therein, as the board of commissioners may determine.

42000 roads and bridges.

11. The sum of thirty-two thousand pounds, granted for the ordinary road and bridge service, and the sum of ten thousand pounds granted for the great road service, for the present year, shall be applied as follows :

	Ordinary Service.	Main Post Roads.
For the County of Halifax,	£2,355	£1213
Pictou,	2,304	640
Inverness,	2,112	560
Hants,	1,920	933
Lunenburg,	1,920	530
Colchester,	1,869	773
Cumberland,	1,869	640
Cape Breton,	1,820	626
King's,	1,728	476
Annapolis,	1,664	476
Yarmouth,	1,561	400
Shelburne,	1,561	400
Digby,	1,561	476
Sydney,	1,561	400
Richmond,	1,561	360
Victoria,	1,561	380
Guysborough,	1,561	400
Queen's,	1,512	317
	£3,200	£1,000

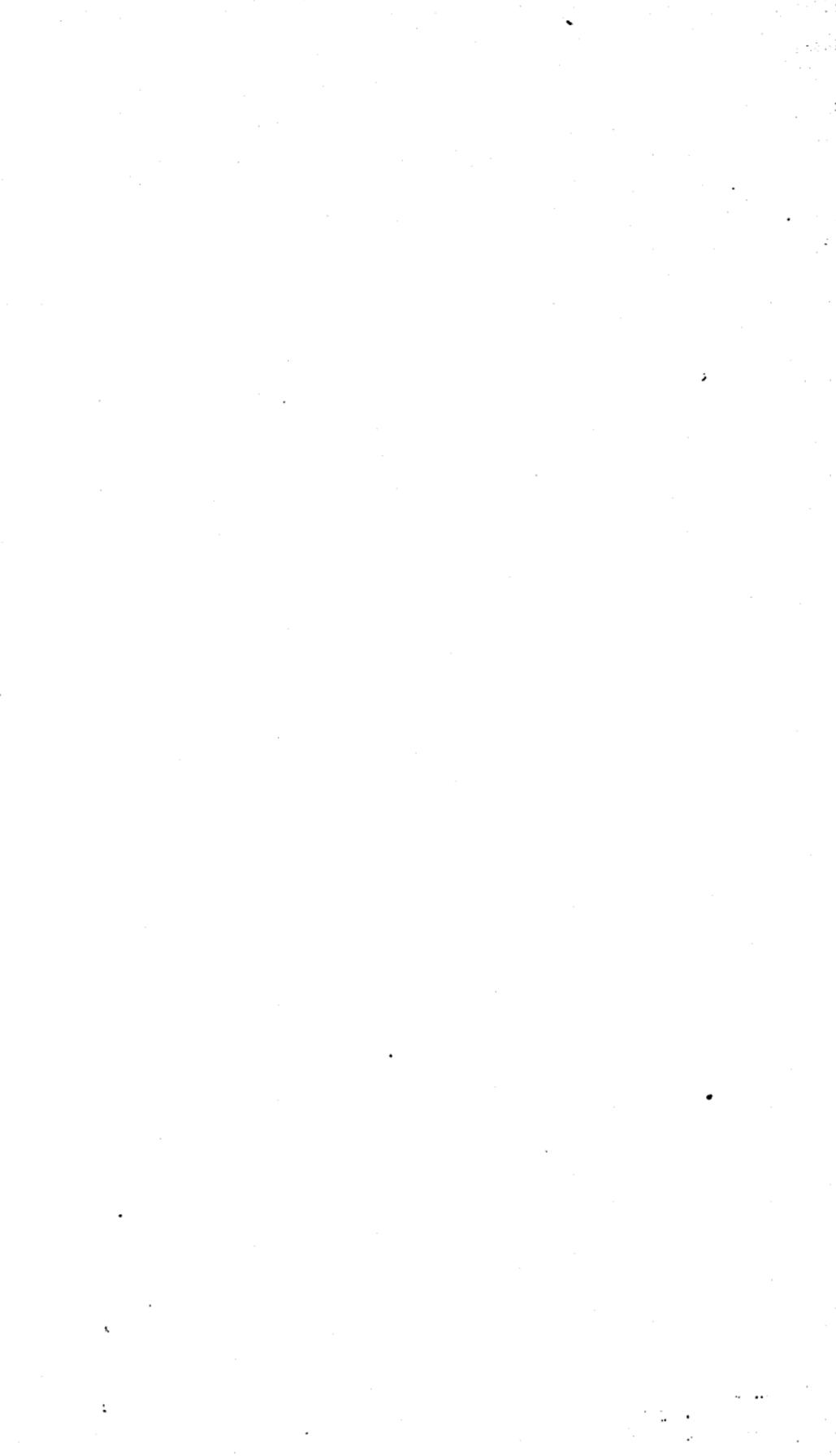
12. The sum of three thousand pounds granted for special road and bridge service, shall be sub-divided as follows, pursuant to the report of the committee on that subject :

For road from Mills Village to Bridgewater, county of Lunenburg,	£300	0	0
“ new line from Plaister Cove to Baddeck, county Inverness,	175	0	0
“ new line in county of Victoria,	175	0	0
“ bridges in the county of Yarmouth,	150	0	0

3000 special road and bridge service.

For completing road and bridge, Canada Creek, King's County,	£50	0	0
“ road from Kentville in Chester, via Sherbrooke,	50	0	0
“ bridge, Bear River, Annapolis and Digby,	150	0	0
“ road from Annapolis to Liverpool, by Albany,	100	0	0
“ bridges, and to pay over-expenditures in county Cumberland,	200	0	0
“ Clyde River road, county Shelburne,	50	0	0
“ road from Tracadie to McNair's Cove, Sydney and Guysborough,	250	0	0
“ road from Forks to North Sydney,	150	0	0
“ road from Mills Village to Ponhook Lake, one hundred pounds to be given in County Scale,	100	0	0
“ road from Sheet Harbor to Musquodoboit, in the county of Halifax,	250	0	0
“ road and bridge at Kennetcook, county of Hants,	150	0	0
Towards paying over-expenditures, county of Colchester,	250	0	0
For road from New Glasgow to Antigonishe,	350	0	0
“ paying over-expenditure on bridge and road at Tow's Brook, county of Richmond,	100	0	0
	<hr/>		
	£3,000	0	0

13. The sum of ten pounds, granted to the chairman of the committee on bills in the year 1840, and remaining undrawn, shall be paid to Benjamin Smith, Esquire, then chairman of such committee, pursuant to the report of the committee on that subject. Undrawn money voted in 1840, to be paid B. Smith.



**LOCAL ACTS.**



## CHAPTER 51.

## An Act for the Erection of a General Hospital in the City of Halifax.

[Passed the 31st day of March, 1855.]

## SECTION

1. Erection of hospital authorized.
2. Money, how borrowed.
3. Loan, when to be effected.
4. Lenders to receive certificates.

## SECTION

5. Repayment.
6. Loan to be a charge on the city.
7. Management of hospital.

Be it enacted by the governor, council, and assembly, as follows:

1. The city of Halifax is authorized to erect a general hospital for the sick on a portion of the common of Halifax, or any lands now belonging to the city, or which the city may procure by gift for that purpose. Erection of hospital authorized

2. The city of Halifax shall have power to borrow, on the credit of the city, a sum or sums of money, not to exceed in the whole five thousand pounds, at a rate of interest not to exceed six per cent. per annum, to be expended by the city council, or under their directions, in building the general hospital. Money, how borrowed, &c.

3. The loan may be obtained at once, or in portions, from time to time, as the city council may decide. Tenders for the money shall be advertised for in two or more of the newspapers published in the city, for one month; and the tender expressing the lowest rate of interest shall be preferred. Loan, when to be effected, &c.

4. The lenders shall receive, for every one hundred pounds so lent, a certificate under the city seal, signed by the mayor, and countersigned by the city clerk, drawn in favor of such lenders, their indorsees or assigns, specifying the terms of loan and the rate of interest, such interest to be payable half yearly. The certificates shall be transferable by an indorsement of the holder's signature, in the same manner as promissory notes. Lenders to receive certificates.

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

6. The loan hereby authorised, and interest, shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged; and the interest may be at any time included in the general assessments annually made in the city. Loan to be a charge on the city, &c.

Management of  
hospital.

7. The city council shall have power, by its ordinances, to provide for the management and government of such general hospital, and the expenses attending the same may be included in the annual general assessments of the city.

## CHAPTER 52.

An Act to provide for extending the Eastern Shore Road in the County of Halifax.

(Passed the 31st day of March, 1855.)

### SECTION

1. Money, when to be advanced.
2. How repaid.

### SECTION

3. Public funds not pledged.

Be it enacted by the governor, council, and assembly, as follows :

Money, when  
to be advanced,  
&c.

1. So soon as any person shall give security, to the satisfaction of the governor, in such manner and to such amount as he shall direct, that the extension of the eastern shore road in the county of Halifax, from Ship Harbor to Sheet Harbor, and other settlements lying on the eastern coast, will be commenced without delay, and that monies for that purpose, to the extent of one thousand pounds, will be forthwith provided, paid and advanced during the progress of the work, as may be required; the governor may appoint a commissioner, or commissioners, for the purpose of superintending the expenditure of such monies, who shall lay out the same in opening and completing the road, and shall return upon oath, to the office of the provincial secretary, a full and accurate account of the monies expended thereon.

How repaid, &c

2. Until the monies so advanced, with interest thereon, shall be repaid, there shall be annually appropriated, out of the monies granted for the service of roads and bridges for the county of Halifax, one third part of the sum so advanced, with the interest then due, to be paid to the lender thereof, in whose favor the governor may draw warrants on the treasury for such yearly amount, and if the monies so allotted shall be less than the third part of the sum advanced, with the interest, in any one year the whole monies granted shall be appropriated for such purpose.

Public funds  
not pledged.

3. In case hereafter no monies shall be granted or appropriated for the service of roads and bridges in the county of Halifax, nothing herein contained shall be held to be any pledge, guarantee, or lien, of or upon the public funds or revenue of the province, for the repayment of the monies so advanced.

## CHAPTER 53.

### An Act to add a Polling Place in the County of Inverness.

(Passed the 31st day of March, 1855.)

#### SECTION 1. New district boundaries, and polling place.

Be it enacted by the governor, council, and assembly, as follows:

1. The district comprised within the following limits shall be a separate polling district in the county of Inverness, that is to say: commencing at the mill lot at North Mountain, thence following the shore to River Denis, thence following River Denis to the bridge at Alexander Chisholm's, esquire; thence following the road to the cross roads to River Inhabitants, including the second range of lots on the southern side of the River Denis, from the mill lot at North Mountain, to the cross roads to the River Inhabitants aforesaid; thence northerly along the River Inhabitants road towards Judique Intervale to the rear of the second range of lots on the north side of the River Denis road; thence in a direct line to the southern boundary line of the lot of land owned by James Campbell (road commissioner), to the road leading from Turk Settlement to Donald Cameron's, esquire, at River Denis; including all the nearest settlers along the eastern side of the road from James Campbell's lot to River Denis; thence to Seal Cove, including Neil McLean, (mason,) thence to the mouth of the River Denis Basin, near the boom. And the polling place therein shall be at or near the bridge at Samuel McLean's, River Denis.

New district boundaries, and polling place.

## CHAPTER 54.

### An Act to add a Polling Place in the County of Yarmouth.

(Passed the 31st day of March, 1855.)

#### SECTION 1. Division of District No. Six.

Be it enacted by the governor, council, and assembly, as follows:

1. The electoral district number six, in the county of Yar- Division of dis-  
moody's mill, on Tusket River, to the Shelburne County line. trict No. six.  
All the district south of such line shall constitute electoral district number six, and all the district north of such line shall be separated therefrom, and shall be known as electoral district number nine, and the polling place therefor shall be at or near the school house near Piper's, in such district number nine.

## CHAPTER 55.

### An Act to amend the Act concerning the City of Halifax.

[Passed the 4th day of April, 1855.]

**SECTION**

1. Power of grand jury in city not affected by act.

**SECTION**

2. Citizens may be appointed constable, &c.

Be it enacted by the governor, council, and assembly, as follows :

Power of grand jury in city, &c. not affected by act.

1. Nothing contained in section 158 of the act concerning the city of Halifax, shall extend to prevent the sessions and grand jury of the county of Halifax from exercising, within the city of Halifax, any power or jurisdiction necessary to be exercised for county purposes, to the same extent as if the city had not been incorporated.

Citizens may be appointed constable, &c.

2. The general, or any special sessions, may appoint persons, being citizens of Halifax, to fill the office of constable, or any other county office, if they shall consider it necessary to make such appointment.

## CHAPTER 56.

### An Act to authorize a Loan for the Erection of a Court House in Pictou.

[Passed the 31st day of March, 1855.]

**SECTION 1.** Commissioners empowered to borrow £1500.—Repayment.

Be it enacted by the governor, council, and assembly, as follows :

Commissioners empowered to borrow £1500.

1. James D. B. Fraser, James Primrose, Daniel Hockin, James Fraser, junior, James McGregor, James Crichton, George McDonald, and Kenneth McLean, esquires, commissioners appointed by the court of general sessions of the peace for the county of Pictou to erect a new court house in the town of Pictou, may borrow, on the credit of the county, a sum not exceeding fifteen hundred pounds, currency, to be repaid to the lender or lenders thereof by annual instalments of three hundred pounds each and interest, to be assessed on the county ; which sum of fifteen hundred pounds, or so much thereof as may be necessary, shall be by the commissioners applied to the erection of a court house in the town of Pictou.

Repayment.

## CHAPTER 57.

An Act to amend the Act to "enable the City of Halifax to erect a City Prison."

(Passed the 31st day of March, 1855.)

### SECTION

1. City empowered to borrow £5,000.

### SECTION

2. Interest may be assessed for.

Be it enacted by the governor, council, and assembly, as follows :

1. Instead of the sum of three thousand pounds which the city of Halifax was authorised to borrow by the act above named, the city of Halifax shall have power to borrow a sum not exceeding five thousand pounds, on the same terms, and for the same purpose, as mentioned in such act. City empowered to borrow £5,000.

2. The interest on such loan may be at any time included in the general annual assessments of the city. Interest may be assessed for.

## CHAPTER 58.

An Act to alter the Sittings of the General Sessions of the Peace for the County of Inverness.

[Passed the 31st day of March, 1855.]

SECTION 1. Sessions to be held on 2nd Tuesday of January.

Be it enacted by the governor, council, and assembly, as follows :

That from and after the first day of January, in the year one thousand eight hundred and fifty-six, the general sessions of the peace for the county of Inverness shall be held on the second Tuesday of January, instead of the second Tuesday of March, in the said county, as under the present law. Sessions to be held on the 2nd Tuesday of January.

## CHAPTER 59.

An Act to enable the Inhabitants of Liverpool to procure a Fire Engine.

[Passed the 31st day of March, 1855.]

### SECTION

1. Sessions may assess for fire engine, &c.

### SECTION

2. Assessment, how collected.

Be it enacted by the governor, council, and assembly, as follows :

Sessions may assess for fire engine, &c.

1. The general or any special sessions for the county of Queen's may assess upon the district hereinafter described, a sum not exceeding two hundred and fifty pounds, to be applied in procuring a fire engine, with hose, fire buckets, and other necessary appurtenances, for the town of Liverpool; and also such sums as may be necessary from time to time for keeping the same in repair.

Assessment, how collected.

2. Such monies shall be assessed and levied upon real and personal property, in the same manner as county rates are levied and collected, at such times, and in such proportions, as such general or special sessions shall direct, upon the inhabitants residing within the district bounded southwardly by Waterloo street, eastwardly by the Fort Point, westwardly by Messrs. Cowie's tan-yard, northwardly by Robert Harlow's, at Bristol, inclusive.

## CHAPTER 60.

An Act in addition to the Act concerning the County of Shelburne.

[Passed the 31st day of March, 1855.]

### SECTION

1. Town house in Barrington to be court house, &c.

### SECTION

2. Salary of clerk of the peace for Barrington.

Be it enacted by the governor, council, and assembly, as follows:

Town house in Barrington to be court house, &c.

1. The present town house in the district of Barrington, shall be the court house for that district; and the present lock-up house shall be the jail for the same district, and be considered as a county jail.

Salary of clerk of the peace for Barrington.

2. The grand jury for the district of Barrington are empowered to fix the salary of the clerk of the peace for that district.

## CHAPTER 61.

An Act to change a Polling Place in the Township of Parrsborough.

(Passed the 31st day of March, 1855.)

SECTION 1. Polling place in District No. 11 to be at Mill Village.

Be it enacted by the governor, council, and assembly, as follows:

Polling place in district No. 11 to be at Mill Village.

1. At any future election of members to serve in general assembly for the county of Cumberland, the poll shall be taken at some convenient place at Mill Village, in the polling district number eleven, in the township of Parrsborough, instead of at Partridge Island, as heretofore.

## CHAPTER 62.

### An Act relating to Pilotage in the Bras d'Or Lake.

[Passed the 31st day of March, 1855.]

SECTION

1. Rev. stat., chap. 78, extended to Big Bras d'Or Passage.

SECTION

2. Rev. stat., chap. 78, sec. 8, extended.  
3. Rates, how established.

Be it enacted by the governor, council, and assembly, as follows:

1. Chapter 78 of the revised statutes, "Of pilotage, harbors, and harbor masters," is hereby extended to the mouth of the Big Bras d'Or Passage, in the Island of Cape Breton. Rev. stat., ch. 78, extended to Big Bras d'Or Passage.
2. Section eighth of such chapter shall extend to a line drawn from the Island called the Inner Table, to Cape Dauphin. Rev. stat., ch. 78, sec. 8, extended.
3. The sessions of the county of Victoria shall have power to establish the rates of pilotage, and of harbor masters' fees. Rates, how established.

## CHAPTER 63.

### An Act concerning Measurers of Coal and Cordwood in the City of Halifax.

(Passed the 31st day of March, 1855.)

SECTION 1. Fees, how regulated.

Be it enacted by the governor, council, and assembly, as follows:

1. The city council may, from time to time, by bye-law or resolution, regulate the fees to be received within the city of Halifax by the measurers of coal and cordwood respectively, not exceeding, however, the sum of seven pence half-penny per chaldron for coal, and five pence per cord for firewood. Fees, how regulated.

## CHAPTER 64.

### An Act to authorize the Sale of the Jail at Truro.

[Passed the 31st day of March, 1855.]

SECTION

1. Sale authorized.  
2. Purchase money, how applied.

SECTION

3. Possession, when to be delivered.

Be it enacted by the governor, council, and assembly, as follows:

**Sale authorized** 1. Charles Blanchard, Thomas M. Crow, and George Reading, all of Truro, in the county of Colchester, are hereby empowered to sell and convey, in fee simple, by public auction, in such lots as they shall see fit, the lot of land hereinafter described, being the lot whereon the jail now stands, that is to say:—Bounded on the east by the parade or common in Truro, on the south by the highway leading to Smith's Island, and on the west and north by lands of S. G. W. Archibald, and also the old jail, and other buildings; the property of the county, standing thereon.

**Purchase money, how applied.** 2. After deducting from the purchase money the charges attending such sale, the balance shall be paid over to the treasurer of the county, to be applied towards the purchase of a new site for a jail, and the erection of a jail thereon, under the direction of the sessions.

**Possession, when to be delivered.** 3. The possession of the old jail and materials shall not be delivered to the purchaser or purchasers thereof, nor shall the same be removed, until the new jail is in a condition to be occupied.

## CHAPTER 65.

An Act to provide for the construction of a Bridge over the Little Bras d'Or, in the County of Cape Breton.

(Passed the 31st day of March, 1855.)

### SECTION

1. Loan, amount of, repayment.

### SECTION

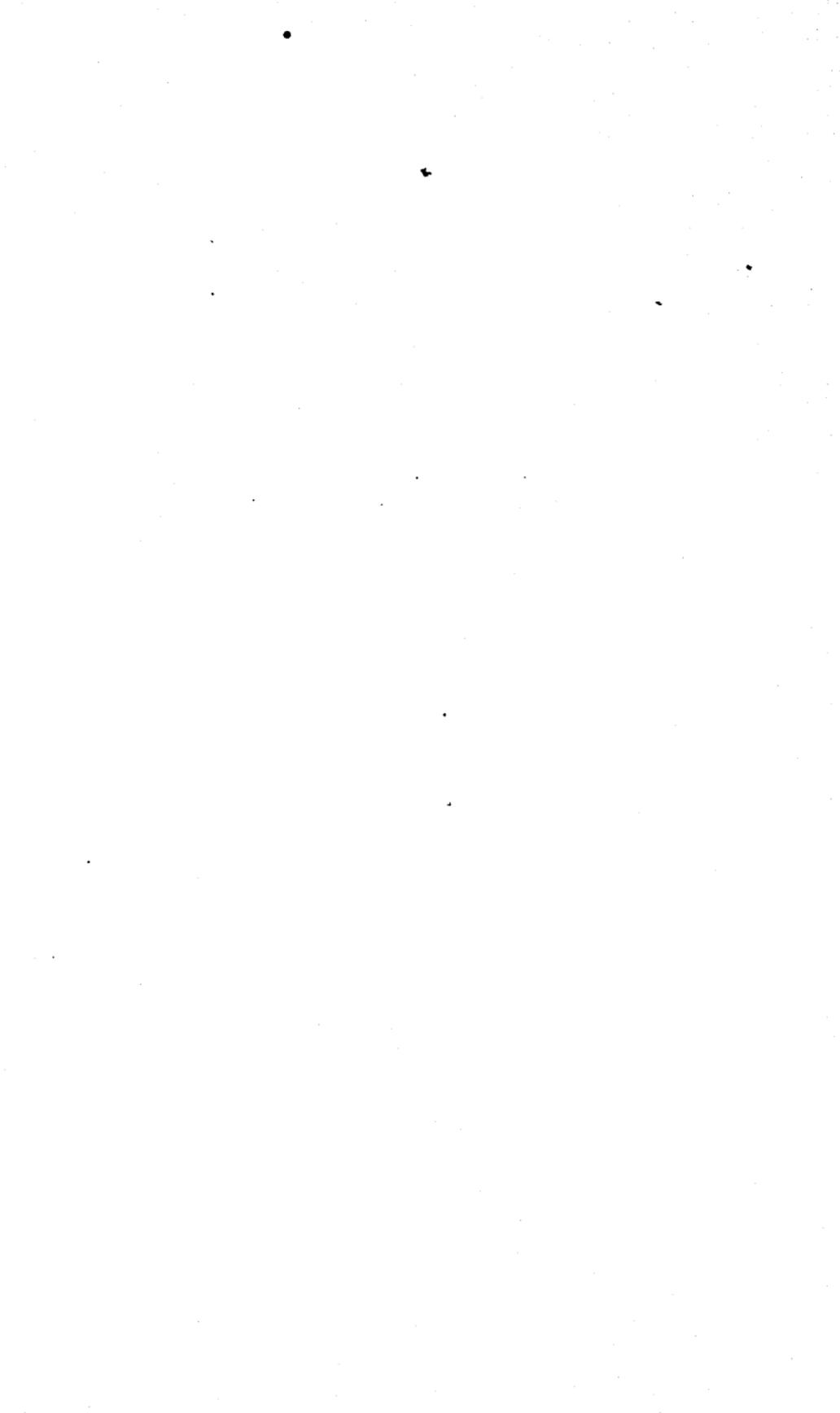
2. How expended.

Be it enacted by the governor, council, and assembly, as follows:

**Loan, amount of, repayment.** 1. The member of the county of Cape Breton may borrow, on the pledge of the road monies of the county, and the security of this act, a sum not exceeding one thousand pounds, to aid in constructing the bridge, such loan to be borne by the county, and be repaid by yearly instalments of two hundred and fifty pounds, with interest, out of the road grant of the county, until the sum borrowed shall have been repaid.

**How expended.** 2. The money borrowed under this act shall be expended by commissioners to be appointed by the governor and council.

PRIVATE ACTS.



## CHAPTER 66.

## An Act to Incorporate "the Transatlantic Submarine Telegraph Company."

[Passed the 2nd day of April, 1855.]

## SECTION

1. Transatlantic sub-marine telegraph company incorporated.
2. Company empowered to lay cables, build piers, &c. on any part of shore of this province, &c.—Proviso.
3. Capital shares.
4. First meeting, where held. Votes. Election and qualification of council of surveillance. Corporations to have management until such election.
5. Office of council of surveillance. Formation of bye-laws, &c.
6. Debentures may be issued—how and to what extent. Proviso.

## SECTION

7. Tariff of charges to be published every year. Privileges to holders of debentures as regards franks.
8. Subscribers, privileges of, &c. as regards franks. Proviso.
9. General meeting, when held, &c.
10. Preference to government. Public news to be promulgated.
11. Liability of shareholders.
12. Company may erect telegraphs in the province, &c. Proviso.
13. Sinking fund for redemption of bonds.
14. Reserve fund, &c., to become the property of corporators, &c.
15. Company may obtain any other charter. &c.

Whereas, by an *act de societe*, done and passed at Paris, in the Preamble. empire of France, in pursuance of an agreement bearing date the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-four, a company was formed under the style and title of the Transatlantic submarine telegraph company, for the purpose of uniting the continents of Europe and America by a submarine electric telegraph, of which said company John Watkins Brett, of Paris aforesaid, esquire, was nominated and appointed the *gerant* or managing director in Europe, Taliafero Preston Shaffner, of New York, in the United States of America, esquire, the *gerant* or managing director in America, and Charles Dickson Archibald, of London, esquire, fellow of the royal society, the secretary and agent general; and, whereas the Imperial French Government has agreed to concede and grant to the said company exclusive telegraphic rights and privileges, of and for the islands of St. Pierre and Miquelon, and other their possessions in the North Atlantic Ocean for a period of fifty years, and the said company has also obtained various grants, concessions, and privileges, from other States and Governments; and whereas the configuration and geographical position of this province give it a prominent and commanding place in the inter-communication of the world; and it is expedient and desirable to encourage and facilitate an enterprize of such great international importance,—

Be it therefore enacted by the governor, council, and assembly :

Transatlantic  
submarine tele-  
graph company  
incorporated.

1. That the said John Watkins Brett, Taliaferro Preston Shaffner, and Charles Dickson Archibald, and their associates, and all persons who may become shareholders in the said company, their successors and assigns, shall be, and they are hereby created, a body politic and corporate, in deed and in name, by the style and title of "the Transatlantic submarine telegraph company," and by that name shall have succession and a common seal, and may sue and be sued, and may hold and possess lands, tenements, and hereditaments, ships, craft, goods, chattels, and things in action, and may grant, sell, lease, convey, and assign the same, or any part thereof, and do all other lawful and necessary acts for the accomplishment of the objects and purposes of the said corporation.

Company em-  
powered to lay  
cables, build  
piers, &c., on  
any part of  
shore of this  
province, &c.

2. And the said company may construct and lay down submarine telegraph wires or cables, from some one or more points on the coasts of Great Britain or Ireland, or from any point on the continent of Europe, to some one or more points on the coasts or shores of this province or its dependencies, by such means, course, and route as the said company may deem most feasible and advantageous, and may make, construct, and erect all necessary piers, wharves, breakwaters, embankments, docks, stations, and buildings; and, with the assent and concurrence of the Nova Scotia electric telegraph company, may connect their said wires or cables with any existing or future line or lines of the said last mentioned company, and may enter into and conclude all necessary agreements and arrangements for carrying into effect the objects of the said company; and the said company having constructed and keeping in repair and operating an efficient telegraphic means of communication between Great Britain or Ireland, or the said continent of Europe and this province, shall have, use, exercise, and enjoy the right, power, and privilege of connecting submarine wires or cables with the coasts and shores of this province and its dependencies, for a period of fifty years, to commence and be computed from the third anniversary of the passing of this act; provided that such means of communication shall be put in operation, in whole or in part, within the said period of three years, and completed within six years from the passing of this act.

Proviso.

Capital shares.

3. That the capital or joint stock of the said company shall consist of two millions five hundred thousand pounds, sterling, in one hundred and twenty-five thousand shares of twenty pounds, sterling, each, with a reserve of the like number of one hundred and twenty-five thousand shares, for the purposes hereinafter mentioned.

First meeting,  
where held.

4. That the first meeting of the said company shall be held at such time and place, either in the city of Paris, London, Halifax, or New York, as the said corporators, or any two of them, of whom the secretary general shall be one, may determine; and at such, or any other adjourned or subsequent meeting, all parties who shall have become shareholders in the said company may at-

Votes.

tend and vote, each share being always entitled to one vote,—and the said shareholders then present may nominate or elect from their body a council of surveillance, consisting of not less than five, nor more than nine members, who shall each be the holder of at least fifty shares in the said company. And until such nomination or election shall take place, the said corporators shall have the management and direction of the affairs of the said company; provided always, that the common seal of the said corporation shall be in the keeping of the secretary general, by whom, or his lawful deputies in his absence, the same shall be affixed to the acts of the company.

Election and qualification of council of surveillance.

Corporations to have management until such election.

5. That the said council of surveillance, when the same shall be nominated or elected, shall have the general supervision and direction of the said company, and shall and may, with the assistance and co-operation of the said *gerants* or managing directors, make bye-laws for the regulation and management of its business and affairs, which, when ratified and confirmed at any annual, general, or other meeting of shareholders, shall have the same force and effect, to all intents and purposes, as if the same were herein fully declared and set forth.

Office of council of surveillance.

Formation of bye-laws, &c.

6. That for the purpose of more conveniently providing the said capital sum of two millions five hundred thousand pounds, the said council of surveillance shall have power and authority to issue bonds or debentures of the said company, to an extent not exceeding one million five hundred thousand pounds, in such form, and for such amounts, as the said council shall by resolution in this behalf determine, and which said bonds or debentures may be charged upon all or any part of the property and effects of the said corporation as may be therein expressed. Provided always, that the said bonds shall bear interest, payable annually, at a rate not exceeding six per cent., and shall be redeemable within twenty years from the date of issue thereof, and shall be convertible, at the option of the holders, into stock or shares of the company at par, at any time during their currency.

Debentures may be issued—how and to what extent.

Proviso.

7. That the *gerants* or managing directors of the said company shall, once at least in every year, prepare and submit to the council of surveillance, and cause to be published at all the stations of the company, a tariff of the charges for the transmission of messages and intelligence throughout the range of the company's operations, which shall be fixed and invariable until the said tariff shall be next revised and published as above mentioned,—save only that the holders of the said bonds or debentures shall have the privilege of exchanging the *coupons* for the current year's interest for an equivalent in message orders or franks, which shall be receivable at all the stations of the company in payment for business transacted, at a premium of thirty per cent. on the nominal value thereof; and in like manner the holders of the said bonds or debentures shall be at liberty, at any time within ten years from the date thereof, to surrender the same to the company in exchange for

Tariff of charges to be published every year.

Privileges to holders of debentures as regards franks.

the like message orders or franks, which shall be available to bearer and receivable as aforesaid at the like premium of thirty per centum on the nominal value thereof.

Subscribers,  
privileges of,  
&c. as regards  
franks.

8. The secretary and agent general, under the direction of the said council of surveillance, shall be authorised to solicit and receive subscriptions from the several states and governments of Europe and America, and also from the press, public bodies, and the commercial and general public of the two continents; and every subscriber, for a period of at least five years, commencing from the opening of the line, of a certain annual sum, to be paid in advance, shall be entitled in exchange to an equivalent in orders or franks, which shall be receivable as above mentioned at a premium of thirty per cent. upon the nominal value thereof. Provided always, that in no other case whatever, except those above specified, shall there be any variation or departure from the fixed tariff price for the time being, on pain of immediate dismissal, and fine of the party or parties offending.

Proviso.

General meet-  
ing, when held,  
&c.

9. That a general meeting of the shareholders of the said company shall be held once in every year, at such time and place as may be appointed by the bye-laws, at which the council of surveillance, and the several officers of the said company, shall submit full accounts, statements, and reports of all the transactions and affairs of the said company since the last preceding annual general meeting; and the said meeting shall and may then and there examine and audit the accounts of the said company, elect or nominate a council of surveillance for the ensuing year, and do and transact all other needful and necessary business.

Preference to  
government.

10. That the government of this province shall, at all times, have a preference in point of time in the transmission of intelligence relative to the public service to or from any station of the company within the province; and all public and political news shall be promulgated on the most favored terms to the press and people of this province, simultaneously with its further transmission.

Public news to  
be promulga-  
ted.

Liability of  
shareholders.

11. That every shareholder in the said company, whether a British subject or citizen of France, or of the United States, or any other state or country, shall have and enjoy equal rights, powers and privileges; and that no shareholder shall be liable in his person or separate estate, beyond the amount of the stock actually held by him, for the debts and engagements of the said company.

Company may  
erect telegraphs  
in the province,  
&c.

12. That the said company, having first entered into the necessary arrangements and agreements with existing telegraph companies, and having obtained the needful sanction, legislation, or consent of the several states and provinces, may construct, purchase, lease, keep in repair, and operate a line or lines of telegraph from any point in this province, to any other point or place in British North America or the United States, and shall have, use, and enjoy all powers, rights, and privileges requisite and necessary for

the effectual accomplishment of these purposes. Provided always, Proviso. that nothing in this act contained shall authorize, or be construed to authorize, the Transatlantic submarine telegraph company hereby incorporated, to construct or operate any line or lines of electric telegraph, for the transmission of telegraphic business through and within Nova Scotia, or in any way to interfere with the existing rights, powers and privileges of the Nova Scotia electric telegraph company.

13. That in order to provide for the redemption of such bonds and debentures of the company as may not be converted into shares, or exchanged in manner above mentioned, a certain portion of the profits of the said company, to be determined from time to time at the annual general meeting, shall be set apart and invested as a sinking fund for that purpose. Sinking fund for redemption of bonds.

14. That the above mentioned one hundred and twenty-five thousand shares shall, in the meantime, constitute a reserve fund to meet and supply contingencies and deficiencies of capital, until the said submarine telegraph shall be completed and put in operation, when the then remaining shares deemed to be fully paid up shall become the property of the said corporators, the promoters and concessionaries, in consideration of their surrendering and conceding to the said company all grants, concessions, charters, patents, rights, privileges, licenses, and subscriptions obtained or possessed by them, or either of them, in any way relating to or concerning the objects and purposes of the said company, and in remuneration of their skill, labors and services, and reimbursement of all costs, charges, and expenses, in and about the premises, and the formation and organization of the said company, and the administration thereof, until the completion and opening of the line. Reserve fund, &c., to become the property of corporators, &c.

15. That the said company may, without prejudice to this act, or any of the provisions thereof, convert the existing *societe en commandite* into a *societe anonyme*, according to the laws of France, and apply for and obtain a royal charter, or act of the imperial parliament, or any other act or charter that may be considered beneficial to the interests of the said corporation. Company may obtain any other charter. &c.

## CHAPTER 67.

An Act to alter and amend the Act to Incorporate the "Inland Navigation Company."

[Passed the 31st day of March, 1855.]

### SECTION

1. Real estate.
2. Additional directors, election of, &c.
3. Penalty for obstructing works of company.

### SECTION

4. Parts of act inconsistent with this repealed.

Be it enacted by the governor, council and assembly, as follows :

Real estate.

1. The "inland navigation company" is empowered to hold real estate to the value of thirty thousand pounds.

Additional directors, election of, &amp;c.

2. The company is authorised, at any time hereafter at any general meeting, or at any special meeting of the company called for the purpose, to elect two directors, in addition to the present number of directors.

Penalty for obstructing works of company.

3. Every person who shall hereafter wilfully float any stumps of trees, chips, or other refuse wood, or rubbish of any description, in or down the rivers, lakes or streams, through which, by the act hereby altered and amended, the company are empowered to make the water communication thereby contemplated, and shall thereby obstruct and injure the ways or works of the company, shall be subject to a penalty of not less than ten shillings, nor more than forty shillings.

Parts of act inconsistent with this repealed.

4. So much of the act to incorporate the inland navigation company, as is inconsistent with this act, is repealed.

## CHAPTER 68.

### An Act to Incorporate "The Acadian Iron and Steel Company."

[Passed the 31st day of March, 1855.]

#### SECTION

1. Acadian iron and steel company incorporated.
2. Capital or joint stock.
3. First meeting, when and where held. Number of directors, when elected. Power of directors.
4. Qualification for directors and voters. Register of shareholders to be kept. When calls in arrear, shares not transferable. Proviso.
5. General meeting, when and where held, proceedings at, &c.

#### SECTION

6. Real estate. Preferential bonds. Proviso.
7. Copy of bye-laws, &c. to be filed with provincial secretary.
8. Liability of shareholders. Proviso.
9. Conveyance of property to the company, form of.
10. Appropriation of ungranted lands. Proviso.

Be it enacted by the governor, council, and assembly, as follows :

Acadian iron and steel company incorporated.

1. Cyrus Alger, Abbott Lawrence, Charles Thompson, George Winslow, Francis Alger, Jas. W. Paige, Donald MacKay, George Greig, and Thomas Lamb, of the State of Massachusetts, in the United States of America ; Charles C. Alger, Horatio Allen, Peter Cooper, Edward K. Collins, David Henderson, Gouverneur Kemble, R. B. Kimball, G. G. Palmer, Alfred Pell, Taliaferro P. Shaffner, Moses Taylor, and William Van Hook, of the State of New York, in the United States of America ; David Bronson, John L. Hayes, A. C. Morton, John A. Poor, and John M. Wood, of the State of Maine, in the United States of America ; Thomas Moulson, Master Cutler, and William Fisher, mayor of the city of Sheffield,

William Anthony Matthews, John Jobson Smith, Joseph Turton, John Crowley, and Thomas Jessop, of Sheffield; J. Howard Blackwell, of Birmingham; George Pemberton and Philip P. Blyth, of London; James Platt, of Oldham; Robert N. Phillips, and Richard Johnson, of Manchester, in the County Palatine of Lancaster, in England; Enos Collins, Mather B. Almon, William A. Henry, Jonathan McCully, James McNab, Edward Kenny, William A. Black, John E. Fairbanks, and Alexander Keith, Benjamin Wier and John Esson, of Halifax, in this province; Edward B. Chandler, John Robertson, William Ritchie, Robert Jardine, and George Botsford, of the province of New Brunswick; Francis Hincks, John Ross, George Etienne Cartier, James B. Forsyth, A. T. Galt, William Beverly Robinson, and Samuel Zimmerman, of the united province of Canada; or such of them, and all other person and persons who shall, from time to time, be and become shareholders in the company, their successors and assigns, shall be, and they are hereby created, a body politic and corporate, in deed and in name, under the style and title of "the Acadian iron and steel company," and by that name shall have succession and a common seal, and may sue and be sued, and purchase, acquire, hold, possess and enjoy mines, quarries, lands, tenements and hereditaments, vessels, craft, goods, chattles, and things in action, and may let, sell, assign, mortgage, convey, and dispose of the same, or any part thereof; and may explore, open and work, any mines, veins, or deposits of iron or other minerals, and reduce, smelt, manufacture, use and export the same; and may make, construct, keep in repair, and operate any railways, tram ways, or plank roads, for the purposes of their operations; and may improve the navigation of rivers, lakes and harbors, and construct piers and docks; and may set up and establish factories and machinery, and may engage in and prosecute any lawful business or calling within the scope, and in furtherance of the objects contemplated by this act.

2. The capital or joint stock of the company shall be one million five hundred thousand dollars, in shares of one hundred dollars each, which shall be deemed and held to be personal property, and transmissible and assignable as such. Capital or joint stock.

3. The first meeting of the company shall take place and be held at the Revere House, in the city of Boston, in the State of Massachusetts, on the first Wednesday in the month of May now next, between the hours of twelve and two o'clock, at which the above named corporators, or any three of them, and all such other person and persons as may in the meantime become shareholders in the company, may attend and vote; and such parties then and there may adjourn the meeting to any other time or place, or may then and there, or at such adjourned meeting, proceed to organize and form the company; and at the same, or any such adjourned meeting, elect the board of directors of the company, which shall consist of not less than five; nor more than eleven shareholders, quali- First meeting, when and where held.

Number of directors, when elected.

fied as hereinafter mentioned, who shall continue in office until the first Wednesday of June in the year of our Lord one thousand eight hundred and fifty-six, and until their successors shall have been elected in manner hereinafter provided; and such directors may thereupon, or at any subsequent meeting, appoint a president, vice president, manager, secretary, and other officers and servants of the company, and may prescribe their powers and duties, and fix their salaries and emoluments; and the directors may fill vacancies occurring in the board of directors (by death or otherwise), until the next annual general meeting, and the directors of the company shall also have power to receive subscriptions to the capital stock from time to time, and require and enforce payment thereof, and in default may forfeit shares or otherwise, as they shall see fit; and may make bye-laws not repugnant to the laws of this province; declare and pay dividends and interest, and generally regulate and manage all the affairs and business of the company; and any three of the directors shall form a quorum.

Power of directors.

Qualification for directors and voters.

Register of shareholders to be kept. When calls in arrear, shares not transferable. Proviso.

General meeting, when and where held, proceedings at, &c.

4. No person shall be eligible to be a director of the company who shall not be the bona fide holder, in his own right, of at least ten shares in the capital stock of the company, and every shareholder shall be entitled to give one vote for each and every share held by him or her in the company; and such directors shall cause a true and correct register of the shareholders to be kept in a book for that purpose; and no assignment or transfer of any share shall be valid or effectual until all arrears of calls shall be fully paid up, and until the same shall be registered. Provided always, that when any shareholder shall transfer in manner aforesaid all his shares or stock in the company, such shareholder shall cease to be a member of the corporation.

5. The general annual meeting of the shareholders of the company shall be held at such place in the city of New York, or the city of Boston, or the city of Halifax, in this province, on the first Wednesday of June in each and every year, as the directors may from time to time determine and give notice; at which meeting the board of directors for the past year shall exhibit a full statement and report of the affairs of the company; and the meeting shall thereupon proceed to examine and audit the accounts, elect a board of directors for the ensuing year, amend or annul any bye-law, and make any new bye-law, and transact all other necessary business; and special meetings of the shareholders may be called by the directors, upon a requisition to that effect signed by any ten shareholders, of which meeting, and the object thereof, at least twenty days notice shall be given in some newspaper published in each of such three cities; and at all meetings of stock or shareholders each shareholder may vote in person, or by proxy, on production of sufficient written authority.

Real estate.

6. The directors of the company may, from time to time, purchase or acquire any lands, mines, quarries, tenements, or hereditaments, in fee simple, not to exceed the value of one hundred and

fifty thousand pounds in the whole, or by lease, grant or otherwise, and in payment or part payment therefor, such directors are hereby authorised to issue preferential bonds of the company, the payment of which, and the interest thereon, shall be specially charged upon the property and effects of the company, as may be therein expressed. Provided that such bonds shall not bear a higher rate of interest than six per centum per annum, nor have more than twenty years to run, nor amount to more in the aggregate than one half the capital of the company for the time being; and provided also, that such bonds shall contain a clause entitling the holders thereof to convert the same into stock of the company at par, at any time within ten years from the date of the issue thereof; provided also, that it shall not be necessary for the holders of the such bonds to register or record the same; and the directors may also issue paid up shares of the company in payment or part payment for any lands or property purchased or acquired for the corporation.

Preferential bonds.

Proviso.

7. A copy of the bye-laws of the company, and also of the register of shareholders, shall be deposited in the office of the provincial secretary of this province; and also, a list of the number and amounts of the bonds from time to time issued by the company.

Copy of bye-laws, &amp;c. to be filed with provincial secretary.

8. No member of the corporation shall be liable, in his person or separate estate, for the debts of the company, for a greater amount in the whole than the amount of the stock held by him. But this section shall not have effect to relieve the company from liability, until shares to the number of four thousand shall have been subscribed, and fifty thousand pounds, including paid up shares, actually paid into the funds of the company.

Liability of shareholders.

Proviso.

9. The conveyances and transfers of property to the company may be in some of the customary form of indentures or deeds poll used in this province; and where the title shall be of a freehold nature, such indentures or deeds poll shall enure to convey directly and absolutely to the company, all the estate, right, title, interest, equity claim, property, and demand of all and singular the parties who may execute the same, whether tenants in fee, or in tail, mortgagees, trustees, lessees, for life or years, occupiers, remainder men, or reversioners, and in like manner where the estate or title shall be less than freehold; and the company may, from time to time, by such or the like deeds or instruments, grant, convey, lease or demise any part or parts of their lands, tenements and hereditaments.

Conveyance of property to the company, form of.

10. In order to encourage and facilitate an enterprise which, with its attendant industries, is likely to be productive of great benefits to this province, there shall be set apart and appropriated, for the uses and purposes of the company, so much of the ungranted wilderness lands, in such localities as may be indicated on the part of the company, in the vicinity of their works, as in the opinion of the governor in council shall be reasonably sufficient for

Appropriation of ungranted lands.

the operations contemplated under this act, with the option to the company to purchase the same from time to time within twenty-one years from the passing of this act, at the price of one shilling and nine pence, sterling, per acre; and in the meantime the company shall be at liberty to take and use the building materials, wood and timber, on such lands, on such terms and conditions as the governor and council may deem expedient. Provided always, that in case works shall not be erected, and in efficient operation, within five years after the passing of this act, at any mine in respect of which such reservation is made, the governor in council may, on proof thereof, annul such reservation by an order. And thereafter the land reserved in respect of such mine shall be again at the disposal of the crown, in the same manner as if this act had not passed.

Proviso.

## CHAPTER 69.

### An Act to Incorporate the Acadian Marble Company.

[Passed the 31st day of March, 1855.]

#### SECTION

1. "Acadian marble company" incorporated.
2. Capital stock, shares, &c.
3. First meeting, where held, &c. Directors, election of, &c.
4. Annual meeting, time and place of, proceedings at, &c. Special meetings.
5. Bye-laws.

#### SECTION

6. Director must hold ten shares.
7. Power of directors as regards unpaid shares. Share, with call in arrear, not transferable.
8. List of shareholders to be kept.
9. Preferential bonds. Proviso.
10. Liability.
11. Appropriation.
12. Operation.

Preamble.

Whereas, the undermentioned corporators, in connection with other parties, have agreed to form a company for working the marble quarries at Five Islands, in this province, and have prayed for an act of incorporation,—

Be it therefore enacted by the governor, council, and assembly :

"Acadian marble company" incorporated.

1. That Sir Claude Edward Scott, Baronet, of Burton street, Berkeley square, London, William Kilburn and Benjamin Kilburn, of Highgate, Francis Knight, of the Bank of England, and Henry Ward Kilburn, of Hampstead, all of the county of Middlesex, in England, esquires, and Charles Dickson Archibald, of Rutland Hall, and Henry Heald, of Whalley, in the County Palatine of Lancaster, esquires, and all other persons who may become shareholders in the said company, their successors and assigns, shall be, and are hereby created, a body politic and corporate, in deed and in name, under the style and title of "the Acadian marble company," and by that name shall have succession and a common seal; and may sue and be sued, and hold, possess and enjoy lands, tenements, hereditaments and quarries, ships, craft, chattels, and things

in action, and may explore, open and work, any quarries, beds, veins or deposits of marble, serpentine or other stone, and may set up and establish machinery and factories for the manufacture thereof, and may make, construct, and keep in repair any railway, tramway, or plank roads and piers, or wharves, for the purposes of their operations.

2. That the capital or joint stock of the said company shall be fifty thousand pounds, sterling, in two thousand five hundred shares of twenty pounds each, which shall be deemed to be personal property, and transmissible and assignable as such, with power to the said company to increase the said capital, but not exceeding in the whole one hundred thousand pounds, sterling.

Capital stock, shares, &c.

3. That the first meeting of the said company shall be held at such time and place, in the city of London, or in the city of Halifax, as the said corporators, or any three of them, shall determine, and of which public notice shall be given in some one or more newspapers published in the said cities of London or Halifax, at which, or any adjourned or subsequent meeting, all parties who shall have become shareholders, or subscribed for shares in the said company, may attend in person or by proxy, and proceed to elect a board of directors of not less than five, nor more than seven, of whom three shall be a quorum, and that until such election, the before named corporators shall be the directors of the said company.

First meeting, where held, &c.

Directors, election of, &c.

4. That the annual meeting of the said company shall be held in the city of London, or the city of Halifax, as the directors shall determine, on the first Thursday of May in each and every year, at which said meeting the directors for the past year shall exhibit a full and true statement and report of the affairs of the said company, and the said meeting shall examine and audit the accounts, elect a new board of directors for the ensuing year, amend or annul any bye-law and make new ones, and transact all other necessary business. And special meetings of the company may be called by the directors, on the requisition in writing of any ten shareholders; and at all meetings of the company each shareholder may vote in person, or by proxy, each share being entitled to one vote.

Annual meeting, time and place of, proceedings at, &c.

Special meetings.

5. The directors of the said company are hereby authorized to frame bye-laws (not repugnant to the laws of this province) for the management thereof, which shall be approved of at a general meeting of the company, and a copy of such bye-laws shall be lodged in the office of the secretary of this province.

Bye-laws.

6. No person shall be eligible to be a director of the said company who shall not be possessed *bona fide* in his own right, of at least ten shares in the joint stock thereof.

Director must hold ten shares.

7. That the directors of the said company shall have power to make calls upon the shares of the said company, as occasion may require, until the same shall be fully paid up; and to sue for and recover any call or calls in arrear, with interest, or at their option to declare the shares of the defaulters forfeited, and to sell or re-allot the same; and no party shall be at liberty to transfer or assign

Power of directors as regards unpaid shares.

Share, with call

in arrear, not transferable.

his or her share or shares whilst any call therein shall be in arrear and unpaid.

List of shareholders to be kept.

8. That a register of shareholders shall be kept in a book set apart for that purpose, in which a memorandum of every transfer or assignment shall be entered; and any shareholder having duly transferred his share or shares, shall thenceforth cease to be a member of the said corporation.

Preferential bonds.

9. That the directors of the said company may purchase or acquire any lands, tenements, or hereditaments and quarries; and in payment or part payment therefor, they are hereby authorized to issue preferential bonds of the said company, the payment of which, and the interest thereon, shall be specially charged on the property and effects of the said company, as may be therein expressed. Provided that the said bonds shall not bear a higher rate of interest than six per centum per annum, nor have more than twenty years to run, nor amount to more in the aggregate than one half the capital of the company for the time being: and provided also, that the said bonds shall contain a clause entitling the holders thereof to convert the same into stock at par, within ten years from the date of the issue thereof; and it shall not be necessary for the holders of the said bonds to register or record the same.

Proviso.

Liability.

10. That the joint stock, property, and effects of the said company, shall alone be liable and responsible for the debts and engagements thereof.

Appropriation.

11. That in order to reimburse the costs and expenses hitherto incurred in exploring the said quarries, and other preliminary expenses, and in consideration of the concession to the company of the rights and privileges obtained by the promoters and lessees, there be set apart and appropriated two hundred and fifty paid up shares, as follows, namely:—To the said Sir Claude Edward Scott, William Kilburn, Benjamin Kilburn, Francis Knight, Henry Ward Kilburn, Henry Heald, and Edward Clarke, of Reading, in the county of Berks, twenty-five shares each; and to the said Charles Dickson Archibald, seventy-five shares.

Operation.

12. The company shall not go into operation until ten thousand pounds of the capital stock is paid up.

## CHAPTER 70.

### An Act to Incorporate the Committee of the Halifax Library.

[Passed the 31st day of March, 1855.]

SECTION

1. Committee of Halifax Library incorporated.

SECTION

2. Present rules valid.

3. Property vested in corporation.

Be it enacted by the governor, council, and assembly, as follows:

1. The committee for the present year, namely, S. Leonard Shannon, Archibald Scott, Robert Noble, William Sutherland, Henry C. D. Twining, John Stairs, Benjamin W. Salter, and their successors in office, to be annually appointed in accordance with the rules of the institution, are hereby created a body corporate by the name of "the committee of the Halifax library."<sup>7</sup>

Committee of  
Halifax Library  
incorporated.

2. The rules now in force for the management of the library are hereby declared valid and binding, and the committee are empowered to collect all arrears due from the shareholders thereunder.

Present rules  
valid.

3. The books and other property belonging to the institution are vested in the corporation.

Property vested  
in corporation.

## CHAPTER 71.

An Act to alter and amend the Act to Incorporate the Bank of Nova-Scotia.

[Passed the 31st day of March, 1855.]

SECTION 1. Directors must hold ten shares.

Be it enacted by the governor, council, and assembly, as follows :

1. Hereafter any stockholder holding ten shares in the capital stock of the corporation shall be eligible as a director ; and if any director shall cease to hold ten shares in such capital stock, he shall forthwith go out of office and cease to be a director, and another director shall be chosen in his place.

Directors must  
hold ten shares.

## CHAPTER 72.

An Act to Incorporate the South Pictou Seamen's Bethel Society.

(Passed the 31st day of March, 1855.)

SECTION

1. Society incorporated.
2. Real estate, purposes, &c.
3. Members, qualification of.

SECTION

4. Affairs, how managed.
5. Donations, how disposed of, &c.
6. General meeting, when held.

Be it enacted by the governor, council, and assembly, as follows :

1. Robert McKay, James D. B. Fraser, Daniel Hockin, John W. Dawson, James Fogo, Roderick McKenzie, R. P. Grant, H. R. Narraway, R. J. Griffith, and such other persons as shall become members of the society hereby constituted; shall be a body corporate, by the name of the South Pictou seamen's bethel society, for the purposes hereinafter specified.

Society incorpo-  
rated.

Real estate,  
purposes, &c.

2. The corporation may hold real estate, not exceeding at any one time the value of one thousand pounds, for the purpose of providing accommodation for public worship for seamen, at the loading ground at South Pictou.

Members, qua-  
lification of.

3. All persons subscribing the sum of ten shillings and upwards for the erection and completion of the building, and two shillings and six pence annually for its maintenance, shall be members of the society.

Affairs, how  
managed.

4. The society shall be governed, and its affairs managed, by a committee of not less than nine persons, comprising a president, a vice president, secretary and treasurer, and such other officers as the society shall deem necessary.

Donations, how  
disposed of, &c.

5. All donations and subscriptions to the society shall be invested or disposed of, under the direction of the committee, for the purposes of the society; and the committee shall account to the society for all their acts, receipts and expenditures, and make an annual report to the society at its general meeting.

General meet-  
ing, when held.

6. A general meeting of the society shall be held once in each year, and as much oftener as may be directed by any rule or bye-law of the society.

## CHAPTER 73.

### An Act to Incorporate the Chute's Cove Pier Company.

(Passed the 31st day of March, 1855.)

#### SECTION

1. Company incorporated.
2. Pier, erection of, regulations regard-  
ing, &c.

#### SECTION

3. Bye-laws.
4. Capital stock.
5. Real estate.

Be it enacted by the governor, council, and assembly, as follows:

Company incor-  
porated.

1. Samuel Foster, Handley Chute, Peter Farnsworth, Timothy P. Brooks, Eleazer Woodworth, William Miller, Gilbert F. Chute, A. L. Delap, and such other persons as are now, or shall become, proprietors in the undertaking hereby established, their successors and assigns, shall be a body corporate by the name of the "Chute's Cove Pier Company."

Pier, erection  
of, regulations  
regarding, &c.

2. The company may erect a public pier or breakwater, with stores and buildings, at Chute's Cove, in the county of Annapolis, upon any land owned by the company, or the public, in and about said pier, which pier, stores, and buildings, shall be open and free for the use of all ships and vessels, and all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the consent of the sessions.

Bye-laws.

3. The bye-laws shall not come into operation until they shall

be approved by the sessions, and recorded in the county registry of deeds.

4. The capital of the company shall be not more than two thousand pounds, to be fixed by the bye-laws, and divided into shares of two pounds ten shillings each. Capital stock.

5. The company may hold real estate not exceeding the value of two thousand pounds. Real estate.

### CHAPTER 74.

An Act to continue the Acts relating to the Nova-Scotia Marine Insurance Company.

[Passed the 31st day of March, 1855.]

SECTION 1. Acts 5 William IV., chap. 6; 6 William IV., chap. 9; 7 William IV., chap. 20; 4th Vic., chap. 32; and 10th Vic., chap. 31; continued.

Be it enacted by the governor, council, and assembly, as follows :

1. The acts relating to the Nova-Scotia marine insurance company, that is to say, 5th William IV., chapter 6; 6th William IV., chapter 9; 7th William IV., chapter 20; 4th Victoria, chapter 32, and 10th Victoria, chapter 31, are hereby continued in force for twenty years, and thence to the end of the then next session of the general assembly. Acts 5 William IV., chap. 6; 6 Wm. IV., ch. 9; 7 Wm. IV., ch. 20; 4th Vic., ch. 32, and 10 Vic., chap. 31, continued.

### CHAPTER 75.

An Act to Incorporate the Centreville Hall Company.

[Passed the 31st day of March, 1855.]

SECTION

- 1. Centreville Hall Company incorporated.
- 2. Real estate.

SECTION

- 3. Capital stock, shares, &c.
- 4. Liability of shareholders.
- 5. Bye-laws, &c. to be registered.

Be it enacted by the governor, council, and assembly, as follows :

1. John M. Caldwell, Shobal B. Masters, Joseph R. Boles, Theodorus Kinsman, William Russell, and Stephen North, all of the township of Cornwallis, and such other persons as are, or may become shareholders in the company hereby established, their successors and assigns, shall be a body corporate by the name of the "Centreville Hall Company," for the purpose of erecting and sustaining a building for public meetings, and other purposes, at Centreville, in Cornwallis. Centreville Hall Company, incorporated.

2. The company may hold real estate not exceeding the value of two thousand pounds. Real estate.

Capital stock, shares, &c.

3. The capital stock of the company shall be such amount, not exceeding two thousand pounds, as shall be fixed by the bye-laws, divided into shares of three pounds each; but the company shall not go into operation until forty shares shall have been subscribed, and the amount thereof actually paid in.

Liability of shareholders.

4. No member of the company shall be liable as a shareholder, in his person or separate estate, for a greater amount in the whole than double the amount of the stock held by him, deducting the amount actually paid to the company on account of such stock.

Bye-laws, &c., to be registered

5. The bye-laws and list of shareholders shall be registered in the office of the registry of deeds for the county of Kings.

### CHAPTER 76.

#### An Act to Incorporate the Canada Creek Pier Company.

(Passed the 31st day of March, 1855.)

SECTION

- 1. Canada Creek Pier Company incorporated.
- 2. Erection of pier, &c.
- 3. Bye-laws to be approved by sessions and recorded.

SECTION

- 4. Capital, shares, &c.
- 5. Real estate.

Be it enacted by the governor, council, and assembly, as follows:

Canada Creek Pier Company incorporated.

1. Thomas White, John Vaughan, William Nesbit, Elisha Burbridge, David White, C. V. Bawding, William White, and such other persons as are now, or shall become, proprietors in the undertaking hereby established, their successors and assigns, shall be a body corporate by the name of "the Canada Creek Pier Company."

Erection of pier, &c.

2. The company may erect a public pier or breakwater, with stores and buildings, at Canada Creek, in the county of Kings, upon any land owned by the company, or by the public, in and around the breakwater, which pier or breakwater, stores and buildings, shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for the purposes of trade, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the consent of the sessions.

Bye-laws to be approved by sessions and recorded.

3. The bye-laws of the company shall not come into operation until they shall be approved by the sessions and recorded in the county registry of deeds.

Capital, shares, &c.

4. The capital of the company shall be not more than two thousand pounds, to be fixed by the bye-laws, and divided into shares of two pounds ten shillings each.

Real estate.

5. The company may hold real estate not exceeding the value of two thousand pounds.

## CHAPTER 77.

### An Act to Incorporate the Merchants' Exchange Company.

[Passed the 31st day of March, 1855.]

## SECTION

1. Merchants' exchange company incorporated.
2. Capital, shares.

## SECTION

3. Real estate.
4. Liability of members.
5. Proviso.

Be it enacted by the governor, council, and assembly, as follows:

1. William Stairs, Robert Noble, Thomas C. Kinnear, Benjamin W. Salter, John Gibson, Donald Murray, and such other persons as now are, or shall, from time to time, become shareholders in the company hereby established, their successors and assigns, shall be a body corporate by the name of "the merchants' exchange company," for the purpose of erecting a building for a merchants' exchange, and for other purposes.

Merchants' exchange company incorporated

2. The capital stock of the company shall be such sum as may be from time to time fixed by the bye-laws, not to exceed twenty-five thousand pounds, to be divided into shares of twenty pounds each.

Capital, shares.

3. The company may hold real estate not to exceed the value of twenty thousand pounds.

Real estate.

4. No member of the company shall be liable as a shareholder, in his person or separate estate, for a greater amount in the whole than double the stock held by him, after deducting the amount actually paid to the company on account thereof.

Liability of members.

5. If the company shall not go into operation within three years, this act shall become void.

Proviso.

## CHAPTER 78.

### An Act to continue the Acts relating to the Union Marine Insurance Company.

(Passed the 31st day of March, 1855.)

SECTION 1. Acts 1 Vict., session 1, chap. 3, and 6 Vict., chap. 23, continued.

Be it enacted by the governor, council, and assembly, as follows:

1. The acts relating to the union marine insurance company, that is to say, 1st Victoria, session 1, chapter 3, and 6th Victoria, chapter 23, are hereby continued in force for twenty years, and thence to the end of the then next session of the general assembly.

Acts 1 Victoria, session 1, chap. 3, and 6 Vict., chap. 23, continued.

### CHAPTER 79.

An Act to amend the Act to Incorporate a Company to establish a Steam Boat Ferry across the Harbor of Pictou.

[Passed the 31st day of March, 1855.]

SECTION

1. Company may go into operation within three years from act.

SECTION

2. Part of act preventing operation of company repealed. Proviso.

Be it enacted by the governor, council, and assembly, as follows :

Company may go into operation within three years from act. Part of act preventing operation of company repealed. Proviso.

- 1. The act seventeenth Victoria, chapter seventy-eight, is amended so as to allow the company thereby established to go into operation within three years from the passing of such act.
- 2. So much of the second section of the act as prevents the company from going into operation until two thousand pounds of stock shall be subscribed, and six hundred pounds actually paid on account thereof, is repealed; but the company shall not go into operation until twelve hundred pounds of stock shall be subscribed, and four hundred pounds actually paid in on account thereof.

### CHAPTER 80.

An Act to Incorporate the Hall's Harbor Pier Company.

(Passed the 31st day of March, 1855.)

SECTION

- 1. Hall's Harbor Pier Company incorporated.
- 2. Erection of pier, &c.
- 3. Byc-laws approved by sessions and recorded.

SECTION

- 4. Capital, shares, &c.
- 5. Real estate.

Be it enacted by the governor, council, and assembly, as follows :

Hall's Harbor Pier Company incorporated.

- 1. Sylvanus Whitney, Preston Ilsly, Thomas Ilsly, William North, John W. Rusco, Benjamin Pearsons, Charles Ilsly, Henry Porter, John Bucknan, R. D. West, John R. Ilsly, and such other persons as are or shall become proprietors in the company hereby established, their successors and assigns, shall be a body corporate by the name of "the Hall's Harbor Pier Company."
- 2. The company may erect a public pier or breakwater, with stores and buildings, at Hall's Harbor, in the county of Kings, upon any land owned by the company or the public in and about the breakwater; which pier, stores, and buildings, shall be open and free for the use of all ships and vessels, and of all persons

Erection of pier, &c.

desirous of using the same for trading purposes, subject to such rates of dockage, wharfage, and storage, as shall be fixed by the company, with the consent of the sessions.

3. The bye-laws of the company shall not come into operation until they shall be approved by the sessions, and recorded in the county registry of deeds. Bye-laws approved by sessions and recorded.

4. The capital of the company shall be not more than two thousand pounds, to be fixed by the bye-laws, and divided into shares of two pounds ten shillings each. Capital, shares &c.

5. The company may hold real estate not exceeding the value of two thousand pounds. Real estate.

## CHAPTER 81.

### SECTION

1. Pictou cemetery company incorporated.

### SECTION

2. Real estate.

### An Act to Incorporate the Pictou Cemetery Company.

[Passed the 31st day of March, 1855.]

Be it enacted by the governor, council, and assembly, as follows:

1. James Primrose, James Purves, John T. Ives, Jas. D. B. Fraser, and Daniel Dickson, and such other persons as may hereafter become shareholders in the company hereby established, their successors and assigns, are created a body corporate, by the name of "the Pictou cemetery company," for the purpose of purchasing a site for a cemetery, and for managing the same. Pictou cemetery company incorporated.

2. The company may hold real estate not exceeding in value five hundred pounds. Real estate.

## CHAPTER 82.

SECTION 1. Isaac M. Chandler and Benjamin Franklin Ward naturalized on taking requisite oaths.

### An Act to Naturalize Isaac M. Chandler and Benjamin Franklin Ward.

[Passed the 31st day of March, 1855.]

Be it enacted by the governor, council, and assembly, as follows:

Isaac M. Chandler and Benjamin Franklin Ward, at present residing at Bridgewater, in the county of Lunenburg, as soon as they shall respectively take and subscribe the oath of allegiance in manner prescribed by chapter thirty-two of the revised statutes, I. M. Chandler and B. F. Ward naturalized on taking requisite oaths.

shall, within this province, become naturalized subjects of her majesty, entitled to all the rights conferred by the act of the imperial parliament passed in the tenth and eleventh years of the reign of her present majesty, queen Victoria, entitled, "an act for the naturalization of aliens."

## CHAPTER 83.

SECTION 1. George Ward to be naturalized on taking oaths.

### An Act to Naturalize George Ward.

(Passed the 31st day of March, 1855.)

Be it enacted by the governor, council, and assembly, as follows:

1. George Ward, at present of Bridgewater, in the county of Lunenburg, yeoman, as soon as he shall take and subscribe the oath of allegiance to her majesty, queen Victoria, and her successors, in manner prescribed by chapter thirty-two of the revised statutes, shall, within the limits of this province, become a naturalized subject of her majesty, entitled to all the rights of such subjects, as fully as the same can be conferred under or by virtue of the act of the imperial parliament passed in the tenth and eleventh years of her majesty's reign, entitled, "an act for the naturalization of aliens."

George Ward  
to be natural-  
ized on taking  
oaths.